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HIBERNIÆ LEGES ET INSTITUTIONES ANTIQUÆ;

OR,

ANCIENT LAWS AND INSTITUTES OF IRELAND.

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ANCIENT LAWS
AND
INSTITUTES OF IRELAND.

On the 19th day of February, 1852, the Rev. James Henthorne Todd, D.D., F.T.C.D., and the Rev. Charles Graves, D.D., F.T.C.D., now Bishop of Limerick, submitted to the Irish Government a proposal for the transcription, translation, and publication of the Ancient Laws and Institutes of Ireland.

On the 11th day of November, 1852, a Commission was issued to the late Right Honorable Francis Blackburne, then Lord Chancellor of Ireland; the late Right Honorable William, Earl of Rosse; the Right Honorable Edwin Richard Wyndham, Earl of Dunraven and Mount-Earl; the Right Honorable James, Lord Talbot de Malahide; the Right Honorable David Richard Pigot, Lord Chief Baron of Her Majesty's Court of Exchequer; the Right Honorable Joseph Napier, then Her Majesty's Attorney-General for Ireland; the Rev. Thomas Romney Robinson, D.D.; the late Rev. James Henthorne Todd, D.D.; the Rev. Charles Graves, D.D.; the late George Petrie, LL.D.; and Major Thomas Aiskew Larcom, now Major-General, Baronet, and Knight Commander of the Bath—appointing them Commissioners to direct, superintend, and carry into effect the transcription and translation of the Ancient Laws of Ireland, and the preparation of the same for publication; and the Commissioners were authorized to select such documents and writings containing the said Ancient Laws, as they should deem it necessary to transcribe and translate; and from time to time to employ fit and proper persons to transcribe and translate the same.

In pursuance of the authority thus intrusted to the Commissioners, they employed the late Dr. O'Donovan and the late Professor O'Curry in transcribing various Law-tracts in the Irish Language, in the Libraries of Trinity College, Dublin, of the Royal Irish Academy, of the British Museum, and in the Bodleian Library at Oxford.

The transcripts* made by Dr. O'Donovan extend to nine volumes, comprising 2,491 pages in all; and the transcripts* made by Professor O'Curry are contained in eight volumes, extending to 2,906 pages. Of these transcripts several copies have been taken by the anastatic process. After the transcription of such of the Law-tracts as the Commissioners deemed it necessary to publish, a preliminary translation of almost all the transcripts was made either by Dr. O'Donovan or Professor O'Curry, and some few portions were translated by them both. They did not, however, live to revise and complete their translations.

The preliminary translation executed by Dr. O'Donovan is contained in twelve volumes, and the preliminary translation executed by Professor O'Curry is contained in thirteen volumes.

The Commissioners employed the Rev. T. O'Mahony, Professor of Irish in the University of Dublin, who had with W. Neilson Hancock, LL.D., edited the two volumes of Brehon Laws already published, and A. G. Richey, Deputy Professor of Feudal and English Law in the University of Dublin, as Editors of this, the third volume of the Ancient Laws and Institutes of Ireland.

The Palace, Limerick,
January, 1873.

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* These transcripts are referred to throughout this volume by the page only, with the initials O'D. and C. respectively.

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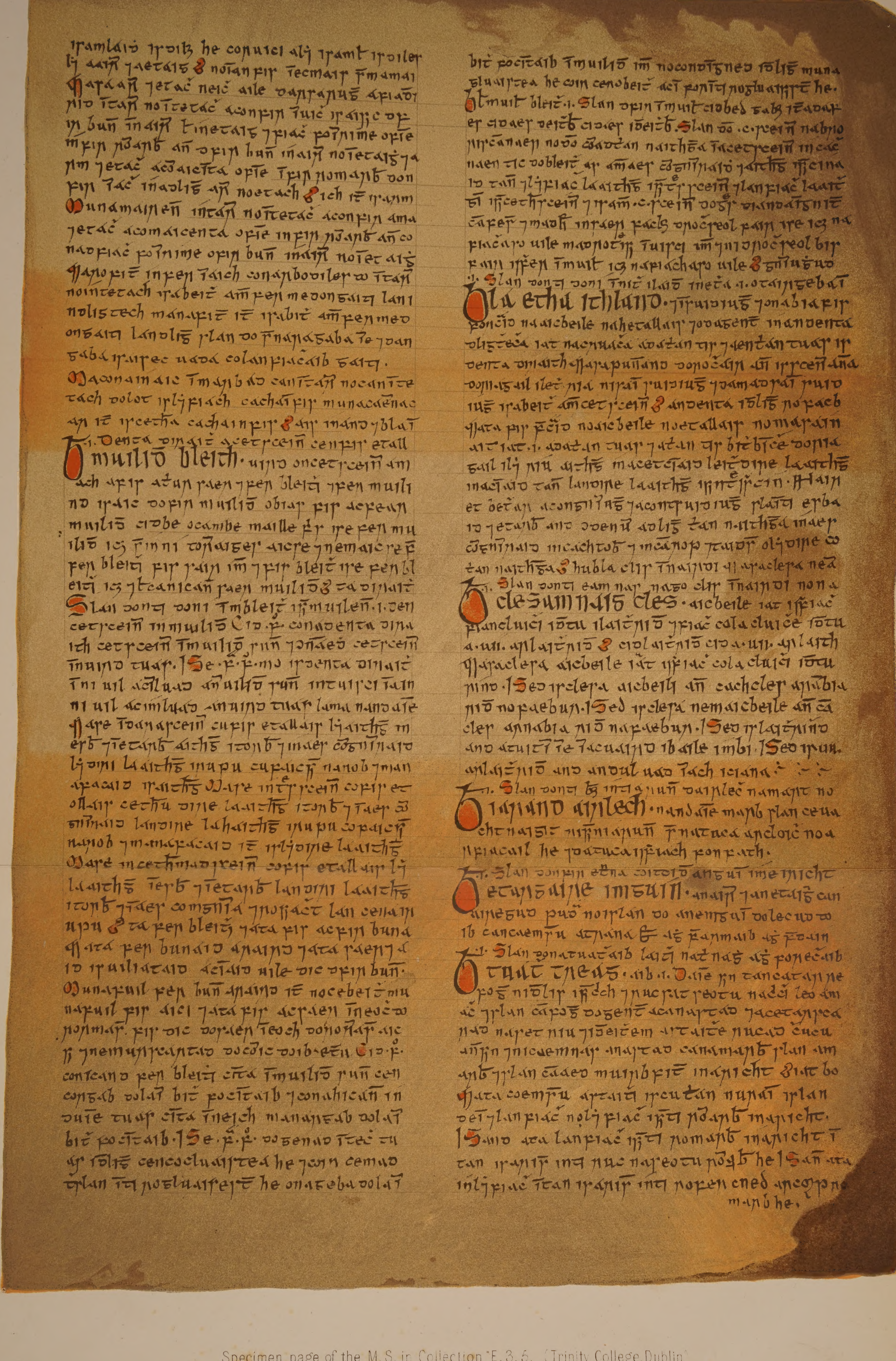

Specimen page of the M. S. in Collection 'E. 3. 5.' (Trinity College. Dublin.)

ANCIENT LAWS OF IRELAND.

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senchus mor

(CONCLUSION),

BEING THE

corus bescna,

OR

CUSTOMARY LAW.

AND

THE BOOK OF AICILL.

PUBLISHED UNDER THE DIRECTION OF THE COMMISSIONERS FOR PUBLISHING THE ANCIENT LAWS AND INSTITUTES OF IRELAND.

VOL. III.

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DUBLIN, 20*th January*, 1873.

MY LORD,

Having received instructions from the Commissioners for publishing the Ancient Laws and Institutes of Ireland, to edit the conclusion of the Senchus Mor, and the Book of Aicill, we have, in preparing the text and translation for the press, followed as nearly as possible the plan explained in the prefaces to the two preceding volumes, and have now the honour to submit to the Commissioners, the third volume of the Ancient Laws of Ireland.

We have prefixed a *fac-simile* specimen page of the MS. E. 3. 5, in the Library of Trinity College, from which nearly the whole Irish text of the Book of Aicill has been obtained. *Fac-simile* specimen pages of the MSS. H. 2. 15, and H. 3. 17, in the same Library, which have furnished the text of the Corus Bescna, will be found prefixed to Volume II. of the Ancient Laws of Ireland, published in 1869.

We are, my Lord,

Your Lordship's obedient servants,

THADDEUS O'MAHONY.
ALEXANDER GEORGE RICHEY.

The Right Rev.
The Lord Bishop of LIMERICK,
Secretary to the Commission for Publishing the
Ancient Laws and Institutes of Ireland.

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GENERAL PREFACE.

ANY Archaic laws, such as the Brehon Law Tracts published in this volume, may be studied from two different points of view ; they may be regarded either as a repertory of archæological information, or be studied solely in relation to the development of legal ideas.

From the incidental references, which every collection of ancient laws must contain, to the organization and daily life of the people among whom it was compiled, many facts may be gathered of the highest authenticity, by the aid of which an insight may be obtained into the forms and customs of societies which have otherwise perished utterly. The value of the evidence as to any early society afforded by its traditions and literature depends upon its being unintentionally and incidentally given. The heroic poem and popular legend display not so much the actual society of the date of the author, as an ideal society; the foundation is real, but the superstructure imaginary, and it is impossible to fix where the former terminates and the latter commences. On the other hand, a law is useless unless adapted to the actual condition of the society to which it is applicable; as soon as it ceases to be suitable, it is either superseded by a new law, or by imperceptible alterations, or legal fictions, reduced into harmony with the more modern condition of things. A customary law reveals in most cases a state of society more Archaic than that in which it prevailed, for except in a purely stationary society, the social change precedes the legal reform. The reports of decided cases, and the fictitious cases invented by the teacher of law for the illustration of legal principles and the instruction of his pupils, exhibit cotemporary society as it actually exists; the object of the reporter or professor is inconsistent with any exercise of imagination.

From the Law Tracts comprised in the present volume much social and historical information may be derived. From the Corus Bescna much, hitherto unknown, may be learned as to the form and rights of the early Irish Church, and the relation of heads of families, or aggregates of joint owners, to the societies under their control. The Book of Aicill is peculiarly rich in information as to the ordinary life and condition of the people.

In that portion of the latter work, named by the compiler "The Exemptions," is contained a large number of real or supposed cases to which the general principles before treated of are applied; in the attempt to treat of all possible cases of legal wrongs, the then existing society is displayed in many and various aspects. An analysis of the contents of this volume, with the object of ascertaining the civilization and manner of life of an ancient Irish Celtic tribe, could not be accomplished within the narrow limits of a preface; such a task must be left to some of those who have made Archaic and semi-civilized societies the special object of their study. It is not attempted by the editors to enter upon so extensive a field of inquiry; they desire to treat the Tracts from the second of the two points of view above referred to, namely, to lay aside all social or historical inquiries, and to endeavour to extract from the generally obscure original text, and the equally obscure and often contradictory commentary annexed, the general principles of jurisprudence which run through the whole, and with much diffidence to offer to their readers the conclusions as to the origin and composition of the works themselves which they have formed as the result of many and careful perusals.

It is useful first to inquire what is the nature of the contents of the two Tracts comprised in the present volume, and other similar Brehon Tracts; should they be correctly described as laws, or a code, or a digest? Upon what principle, and with what object have they been compiled? whether at one time, and by one person, or from time to time, and by many different persons? How far, if at all, is it possible to fix the date of their composition? It is a necessary preliminary to any inquiries of the above character, but one which is upon such occasions generally disregarded, to ascertain both what the work in question professes and what it does not profess to be. None of the Brehon Tracts are described as the laws of any particular individual, or of any body of individuals, possessed of legislative powers; their names are derived from the more important subjects treated of, or from some locality connected with the composition of the work. The Corus Bescna lays no more claim to intrinsic authority than the work of Chitty on Contracts; the Book of Aicill acknowledges itself to be merely the collection of the dicta of two persons learned in the law. As in the body of the work, so in its title, the essential idea of law is absent; there is no command given, by one possessing authority, to do or forbear from doing any act; no sanction is declared against those who violate its maxims. It professes only to be a collection of laws existing antecedent to its compilation, a "Recueil des coutumes," a reduction into writing of the customs in accordance with which disputes were then arranged; nor are the Tracts merely compilations of pre-existing customs, they are compilations made without authority, and without the name of any specific lawyer being annexed to them.

This peculiarity can scarcely be appreciated without a comparison of them with the title and commencement of other customary codes.

The Welsh laws of Howel Dda commence: "Howel the good, seeing the Cymry perverting their laws, summoned to him six men from each cymwd in his principality. And with mutual counsel and deliberation the wise men examined the ancient laws; some of which they suffered to continue unaltered, some they amended, others they entirely abrogated; and some new laws they enacted," &c.

So also the secular laws of Alfred commence: "I then, Alfred, King, gathered these together and commanded many of these to be written, which our forefathers held, those which seemed to me good," &c.

As a compilation of existing laws, made by some person or persons who claimed no legislative authority, the Brehon

Tracts cannot rank as Codes, but must be considered merely as Digests, not digests in the use of the term in the civil law, but as in the vulgar English use, indicating merely that in the book in question were written out the accepted decisions upon certain subjects arranged in a sequence alphabetical or otherwise.

The form of the Brehon Tracts, and still more that in which they are necessarily printed, have a tendency to give an incorrect idea as to the mode of their composition. They consist, mostly, of an original text in distinct paragraphs, followed by a glossary and commentary, and present an illusive resemblance to the ordinary English law books, in which the sections of Acts of Parliament are printed with appended explanations and references to decided cases. It is evident that the portions printed in larger type are the subjects of the subsequent commentaries, and that to a great extent they are anterior to the disquisitions appended to them; but it is of importance to consider how far what may be called the original text constitutes in itself a complete work.

The very curious introduction with which the Book of Aicill commences, shows that its author contemplated a continuous compilation of the decisions of the two lawyers referred to therein, and therefore the same subject is frequently carried on uninterrupted through consecutive paragraphs of the text. On the other hand, many of the detached portions of the text not only contain no legal propositions, but consist merely of two or more words not forming even a complete sentence, but serving rather as a key or heading to the subsequent commentary, and having no meaning without reference thereto. This in many cases may be accounted for upon the supposition that the words in question are merely the first words of a traditionary rule, which was perfectly familiar to the compilers as soon as suggested. That such is the case in many instances is proved by the fact, that whilst in some manuscripts the initial words alone appear, in others the rule of which they are the commencement is given in extenso.

In many cases this explanation is not admissible, where the commentary itself contains the rules which should have been contained in the text to which it is appended. This is the case in much of that portion of the Book of Aicill which may be described as "The Exemptions." In that portion of the work are considered the circumstances which are to be taken into account in mitigation of the damages payable upon the occasion of an injury or wrong being inflicted. The principles regulating the measure of damages are here exhaustively treated. No abstract rules are laid down, but a series of possible cases is discussed, the different circumstances to be considered are detailed, and the extent is defined to which they should influence the ultimate result. In very few instances does the original text contain more than a statement of the particular injury to be treated of in the commentary; in many of the cases involving substantial questions of probable occurrence, the original text, curt and enigmatic in its expressions, may have been considered of less importance than the elaborate commentary annexed; but in other cases the injury alluded to in the text is of so very trivial, if not improbable a character, that it is incredible that it should have entered into the contemplation of a lawyer dealing with established customs or actual cases. Questions as to injuries caused by animals casting up clods, by a cat stealing food in the kitchen, or by a cat when mousing, cannot be considered subjects for serious discussion, or in relation to which customs should have grown up; they are either mere legal *tours de force*, or questions for mooting among pupils to practise them in the application of general principles.

In a text which professed only to be a collection of separate customs or dicta, loosely connected by reference to an artificial subdivision of the customary law, there was nothing to prevent the introduction of new headings, or further dicta relating more or less to the matter in hand.

As to the commentaries annexed, it is obvious that they are not the work of any one person or of any one time; frequent repetitions with variations occur; statements and rules inconsistent and contradictory are mingled in one commentary; rules evidently laid down on the authority of known leading cases are followed by a paragraph to show that the precedent referred to should be distinguished. Much of the commentary is confessedly speculative, and does not represent any existing customary law; on its face it bears the appearance of a work which has grown up under the hands of successive generations of lawyers.

A false appearance of editorship is given by the fact that the glossary is appended to the successive portions of the text. It must be recollected that in the original the glosses, as in all mediæval manuscripts, are written into and between the lines of the text, and were introduced by the student who encountered a difficult passage or obsolete word, and had discovered or conjectured its meaning; a process similar to that which goes on at the present day in the Latin or Greek books of schoolboys.

In the case of an epic poem or an historical work it is difficult, without realizing the manner in which literary works were treated by transcribers and compilers in early ages of civilization, to understand how books which profess unity of authorship, and exhibit a unity of design, have been interpolated and altered, and even compounded of different works. In treatises such as those of the Brehon Law, the opposite difficulty arises; their subject, their contents, and their style are alike opposed to any unity of authorship; they are books which were never written, as modern books have been, but have grown into their present form and size through the constant introduction of distinct passages strung on to the original text by successive generations of lawyers.

The form of society in which the Brehon Tracts were composed is exactly that which would produce such a result.

The office of Brehon, by custom hereditary in special families, necessarily caused the customary law in Ireland to be treated in a manner different from that adopted where there was no separate legal profession. Although the brehonship was hereditary in certain families, the

Brehon had no exclusive jurisdiction in any specific district, nor any fixed salary for his services; his position was that of a professional lawyer, consulted by his clients and paid for his opinion. Brehons, who attained great fame as arbitrators, acquired wealth in the exercise of their profession. There were law schools at which the younger Brehons were instructed in their business and educated to act as judges, or rather as jurisconsults, exactly as in the present day young men are brought up for the bar. The natural course of education in any such law school would, in the absence of printed and the scarcity of written books, be primarily the commission to memory of short and pregnant paragraphs embodying the customs of the locality; the test of professional skill would be the application of the custom to imaginary cases. In an hereditary caste of lawyers and more even, in a law school, famous precedents and leading cases would be handed down exactly as in our English reports.

In the present cheapness and abundance of law books we fail to understand how such a system could be carried on, but it was not very different from the mode of instruction which prevailed in the Inns of Court prior to the introduction of printing. If the available library and writing materials of one of the Inns of Court had been confined to one or two volumes, and new legislation had been impossible, the result must have been works very like the Brehon Law Tracts. The contents of the bulky vellum books which have come down from the early Irish monasteries show how a book was used at once for reading, and writing into; every stray manuscript which was available was copied in, as were also all information acquired and facts deemed worthy of record.* We may imagine a school which possessed few, perhaps but one bulky folio volume, into which were written by the teacher, when writing had become habitual, the Archaic traditional customs that previously had been orally transmitted, the explanations ordinarily given to the law classes, the points mooted by the teacher to test the progress of his pupils, the principles embodied in new leading cases, and the glosses on technical terms as they grew obsolete. All such additions would be introduced indiscriminately into every available portion of the page, of which practice a familiar instance is furnished by the Book of Deir, wherein modern history is written into and through the Gospel of St. Matthew.

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* It is this habit of copying in all available documents which gives so high a value to the monastic historians. Their estimate of the comparative value of facts was very different from ours, but they copied literatim every bull, proclamation, or Act of Parliament which fell in their way, instead of drawing on their imagination for their facts, and quoting in foot notes authorities which they had never read.

If a book so treated be recopied from time to time, the ever accumulating mass of commentary, notes, and glosses, will on each occasion be reduced into the form of consecutive commentary upon the text to which they refer, and each new recension will in its turn be subjected to the same process, which will thus continue as long as the law school in which it had been initiated exists. Ignorant of the great world beyond the sea, and full of the *esprit de corps* of a local yet ancient school, the Brehon must have venerated such a book as more than the work of any author however celebrated. It represented to him the accumulated wisdom of successive generations; the sources of the law lay beyond the horizon of tradition; the master who had taught him, or he himself, had given to it the last touches of subtle elaboration.

If it be once admitted that the Brehon Tracts grew into their present form as here suggested, it is evident that to the works as a whole no particular date can be assigned. In the construction of such a work, two dates only can be fixed, the date of the first reduction into writing of the customs or dicta which formed the original text, and the date of the manuscripts which have come down to us. But even if the former of these dates were satisfactorily ascertained, little progress would be thereby made towards fixing the date of the customs so reduced to writing in the original text.

The phrase "the antiquity of a law" is ambiguous; it may mean, in the case of written laws properly so called, the date at which any specific command followed by a specific sanction was embodied in a particular enactment. It may also mean the date at which any such specific command followed by a sanction, was given for the first time by the legislative power of the community. The law, in accordance with which murder is now punished with death, was enacted on the 1st of August, 1861, but the law (or rather a law) that murder should be so punished has existed for centuries in England. Many of the Acts of Parliament now existing are merely re-enactments, compilations, or adoptions of laws, which have been in existence for generations.

Every law properly so called must have been introduced at some ascertainable date, although such date may be anterior to the enactment of the law in its present form. The supreme legislative authority in every such case must at some period have laid upon the people *a new obligation before unknown*, to do or forbear some specific act, and annexed to the violation of such command a distinct sanction. The date of such an enactment may be ascertained; but, in speaking of the antiquity of customary law, there is no possibility of ascertaining the date of its introduction. It may be proved that a custom existed as a fact at a specific period, but it is impossible to assert that it was introduced at any specific date. The essence of a customary law is that it has no recognisable commencement; it is obeyed because it is recognised as a necessary condition of the existence of the society. When such a law is reduced to writing and published, there is no command to do or forbear, but a mere declaration that the members of the society, whose customs are so collected, have done or forborne to do such and such things so far as the memory of the oldest and wisest goes back. As to the mode in which customary laws grew up, and why in the case of various tribes of the one stock, their laws varied from each other, there never has been, and we never can obtain, primary evidence. Many of the customs which generally existed and now exist among tribal communities of the Aryan stock, may have existed among their remote ancestors prior to the dispersion of the nations.

The comparison of early customs with each other may prove that certain of them, common to many dispersed tribes, are of an antiquity which we have no means of estimating, but the customs which, on one such comparison, seem abnormal, may on further research be found to exist in other tribes still more remotely severed. Hence to confine our attention to any one collection of customs, and to speculate as to the antiquity of all or any of the rules contained therein, is waste of labour and can lead to no results.

A law or custom may be spoken of as ancient or modern without any reference to the date at which it was in force.

In all nations of the Aryan stock, the social forms of the primitive tribes are very similar; the original social unit is the family existing as joint owners of their property under the absolute government of the paterfamilias; the tribe is formed by an aggregate of families; the nation is an aggregate of tribes, often a union of smaller nationalities. During the whole process, from the date at which the isolated families coalesced into a tribe, down to the formation of nations embracing within their limits men of many tongues and traditions, the forms of social life have been constantly altering, and the law which, whether customary or enacted, is the mere reflection of the habits and wants of the people, has changed cotemporaneously.

In all European nations the social changes have been uniformly in the same direction. Some nations may have proceeded further, others may have moved more slowly than their sister communities; some have been cut off in their very origin, some perished from unhealthily rapid growth; but all have started from the same point, and more or less clearly tended to the same result. The laws of all such nations though infinite in accidental variations follow the regular development of certain general principles of government and property.

A system of law therefore may be spoken of as either ancient or modern in so far as its general principles exhibit a more or less archaic, or a more or less modern form of society. Societies in very dissimilar stages of development may dwell side by side; therefore systems of law of most varying development may exist cotemporaneously; in a few days we may travel from Vienna to the districts of the frontier regiments, Croatia or Servia; at Vienna the civil law is altogether modern, at Agram we are amidst archaic house communities.*

As two systems of law, representing very different points in the course of legal development, may be cotemporary, so laws exhibiting the same stage of legal development may be of dates very much removed from each other. An archaic system of law may in point of time be posterior to a very modern system. The early English law, as contained in

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* The original family system common to all the Slavonic nations has been preserved on the Austrian frontier, by having been adopted as the basis of a military organization.

This system, at once remarkable for its archaic character, and present legal existence, illustrates in many points the nature of the Irish Celtic family.

The subjoined description, an extract from the observations of a recent tourist, affords by anticipation to a general reader the information which may enable him to combine many passages in this volume which would otherwise seem disconnected and unintelligible:—

"The system of house-communions was, according to Slav writers, common to all Slavonic tribes, but in modern times it has only survived amongst the South Slavs or Croato-Serbs. For instance, it has long ago disappeared from among their nearest relations—the Slovenians or Wends of Carniola.

"The system of house-communion, stated succintly, is as follows: The land in the countries and among the class in which it prevailed did not belong to individuals, but was held as a sort of trust in perpetual entail for the benefit of house-communions. A house-communion consisted of a number of individuals united by an actual, or occasionally a fictitious, tie of consanguinity. All the children of members of the house-communion were *ipso facto* co-partners in the property of what we may call the family corporation. As a woman on marrying became at once a member of the house-communion to which her husband belonged, membership in a house-communion descended only through the male line. There were several instances in which men entered the communion to which their wives belonged. This, however, they did, not in virtue of their marriage, but in consequence of their adoption by the communion, which might—in fact often did—happen without any such affinity. Unmarried women belonged, of course, to the house-communions of their fathers, and widows to those of their late husbands. Should a widow having children marry again, the children of her former husband remained in the house-communion in which they were born, while she herself passed into that of her second husband. An adopted member took the surname of the house-communion into which he was received.

"At the head of each house-communion stood the house-father, who alone reprethe so called Anglo-Saxon codes, is ancient; the law administered in Britain by the Roman magistrate centuries before was comparatively modern, in many respects more modern than the law under which we live.

In marshalling the precedence of the phenomena either of the physical or the social world, priority in development is more important than priority in time. If it be once seen that priority in time is no true test of antiquity, we can realize how the marsupial animals of our own time are in reality more ancient than the extinct *felis speluncæ* or the mammoth, and that the sturgeon of the Caspian, which supplies us with *caviare*, is more archaic than most of the extinct animals of the later strata.

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sented it in its dealings with the outer world; for instance, with the government. Whatever may have been the case in former times, the house-father now resembles a constitutional monarch rather than an autocrat, and it is an understood thing that he governs the community, but first consults with all the older and, therefore, more influential members of it. Indeed, for all the more important transactions, such as the sale or mortgage of any portion of the property of the community, the purchase of land, in short, whatever actually affects, or may affect, its pecuniary position, the consent of a majority of the male and female members above the age of eighteen is required. It is generally understood that the house-father is to be the oldest man in the community, who is capable of performing all the duties of the office. Consequently, when a house-father feels that he is getting too old he resigns his position. At present the law directs that the house-father is to be elected by the members of the house-communion and approved by the military authorities. Should, however, the family not be able to agree in the election of the house-father, he is chosen by the committee of the commune or township (*Gemeinde-Ausschuss*). The house-father may be called to account for his administration of the common property, and in case of want of confidence another member of the community may be entrusted with extra keys of the chest and store-room, &c. A house-father may be only eighteen years old, but whatever may be his age he is always exempt from military service.

"Just as a house-communion could acquire land by purchase, so it could also sell portions of its own estate. At the same time it was not allowed to do what it liked with its own in the Military Frontier. All cases of transfer had to be submitted to the military authorities. The military regulations recognised two categories of landed property on the part of a house-communion—firstly, what we may call the hereditary entailed estate belonging to the family, considered by the authorities sufficient to enable it to discharge efficiently its military obligations, and, secondly, what the family had acquired over and above the hereditary estate. The first was, as a rule, inalienable, and only in especial cases could it be burdened to the extent of one-third of its value."—*Fortnightly Review*, No. LXIV., N.S., pp. 372, 373.

The principles generally found in archaic laws faithfully represent the condition of tribes formed by the aggregation of independent families; there is an absence of any legislative and judicial authority, and the idea of the state, is not only unknown but repugnant to their habits of thought. Their laws therefore are merely customary, and their judicial proceedings founded upon a consensual jurisdiction; the conception of crimes has not been formed, and all acts of wrong and violence, however aggravated, are treated as torts or delicts. Property is held in joint ownership either by the family or the tribe, and private ownership is the exception rather than the rule; the power of dealing with property is therefore very limited and testamentary disposition unknown. The paterfamilias, who in respect to property is merely the manager of the joint estate, rules supreme within the limits of the separate lot of his family. Kinship, real or fictitious, not contract, is the bond by which men are bound together, and status is the foundation of their rights among themselves.

In a modern society the opposite principles prevail; the idea of the state has been developed; this abstraction represents the entire body of the nation, which is now equivalent to the inhabitants of a certain district, and the law deals with each individual separately. There is a legislative authority, somewhere placed, which can by its command create laws and annex sanctions to enforce them; there is a power vested by the state in some person or persons to maintain the peace and protect individuals from wrong or violence; an authority exists possessing original jurisdiction and empowered to decide in disputes between individuals within certain local limits; the family union is dissolved, and the state deals with individuals, not with family communities. Individual property is the rule, and joint ownership the exception. The owner of any property has full power to dispose of it *inter vivos* or by will. Associations of individuals for a common purpose, and their rights among themselves, are founded on mutual agreement. There is an ever increasing tendency to make contract, express or implied, the foundation of all legal rights and the test by which disputes are adjusted. The first step in such a progress is the fusion, more or less complete, of several tribes into one body, and, as a necessary consequence, the establishment of a central authority. This may be effected either by confederation or conquest.

The essential point is that the tribes formerly independent should consciously form one body politic. Absolute power may be exercised by a single sovereign over many isolated tribe communities without producing any change in their social condition, as is the case in India. The existence of a central authority implies the right to command and the power to punish, whence arises the idea of law. The central authority takes upon itself to maintain the peace and prevent private war, and therefore treats acts of violence and wrong as offences against itself; hence arises the idea of a crime as distinguished from a tort. It necessarily assumes the right to determine disputes throughout the district over which its power extends, hence the idea of original as distinguished from consensual jurisdiction. The more completely the central authority assumes judicial functions and promises the redress of wrong, the more must every artificial aggregate, whether the tribe or the family, break up, and the idea of individuality be developed. This progress is accelerated if the tribes forced into a union vary in their customs and traditions, if there be an extensive intercourse with foreigners, and if circumstances be such that individual energy is rewarded by wealth and influence. The change in the law of property, and the introduction of the principle of contract, are the result of the ideas of individuality and personal rights, as distinguished from the family bond and joint ownership.

The more or less archaic nature of a code or collection of laws may be tested if it be examined with reference to the following points :—

(1.) In what proportion does it contain laws properly so called ?

(2.) Does it disclose the existence of any central or supreme authority possessing legislative and judicial powers?

(3.) Are the judicial decisions founded upon an original or a consensual jurisdiction?

(4.) Has the idea of a crime been developed; and if so, what acts are treated as crimes in contradistinction from the acts regarded merely as torts?

(5.) What are the powers of the paterfamilias, and what are the rights of the members of a family among themselves?

(6.) What is the relative proportion between properties held in joint, and in several ownership?

(7.) What are the powers of disposing of property *inter vivos*, or by will?

(8.) How far are the rights and duties of individuals treated as flowing from contract rather than status; and how far is the doctrine of contract assumed as the test to decide questions respecting such rights and duties?

The social progress of a nation and the alterations of its law are not necessarily uniform and regular. Under the force of circumstances the changes in society may be introduced at different times and in a varying sequence. Political events, the nature of the country, and the national character accelerate some and delay other innovations. Thus amid legislation of an advanced character may be found fragments of archaic custom to which the nation clings with peculiar tenacity, such as the power of the paterfamilias in the Roman, and the relation of landlord and tenant in our own laws.

In the early English laws and constitution there existed a national sovereignty and original criminal jurisdiction, but the ideas of legislative power and crime were very slowly developed; on the contrary, in the early Roman law the idea of legislative power was so fully grasped, and that of judicial power so little understood, that the criminal jurisdiction arose in the form of a legislative enactment applicable to individual cases.

Satisfactorily to test the archaic character of the Brehon Laws with reference to the points above suggested is at present difficult, if not impossible; so small a portion of these Law Tracts has been published in an accessible form, and so narrow is the range of legal questions discussed in them. There remain as yet unpublished various Tracts especially adapted to give information as to distinct branches of law, which form the subject only of incidental reference in the Senchus Mor or Book of Aicill. Hence any opinion as to the existence or absence of any legal principle in these laws must be adopted with the utmost diffidence, and in the confident hope that, if erroneous, the materials necessary for arriving at a correct conclusion may as soon as possible be rendered available.

The inquiry as to the antiquity of the Brehon laws is further rendered more difficult by the form and spirit of the works themselves. The Irish Brehon never attempted to look at the law as a whole, or as it were to regard it from without. Having no legislative power, he was under no moral obligation to improve the law; and having practically no knowledge of other systems he was not struck by, or rather could not discern, its imperfections. He had no access to the source from which all great legislative reforms have been derived, the observation of the conflicts and contradictions of different codes. The idea of the *jus gentium* could not spring up in an isolated community. This treatment of the Brehon Law was that adopted by English judges and lawyers in reference to the law of real property, aggravated by the fact that there were no urgent calls for reform in the stationary community in which the Brehon lived.

It is the experience of any who have taught a law class of professional students that the great difficulty to overcome is the desire of the students themselves to acquire practical information of immediate value, rather than to learn the general principles from which the rules of daily use are derived; and therefore if a professor of law has to live by the fees of his pupils, he is under the constant temptation to sacrifice the higher to the lower instruction, and to train up his hearers as sharp practitioners rather than accomplished jurists.

All the above causes combined to produce the result that in the immense mass of Brehon law, constructed by generations of professional lawyers, there is no inquiry into, or exposition of, the general principles of the law, but only a mass of particular rules and the discussion of cut questions.

The nature of the Brehon Law Books and the condition of the Irish law can be realized by an English lawyer if he imagine his library to consist exclusively of books such as Chitty's Equity Index constructed without the assistance of an alphabetic system. It may be added that inasmuch as the Brehon lawyer never attempted to develop general principles, he never formed a very clear perception of the major premise in his argument; the consequence of which is that the modern reader while perusing a Brehon Law Tract finds himself as it were enveloped in a haze, unable to obtain any general view of the system or to grasp at the general principles which are assumed in the discussion.

At only four periods in early Irish history was there an opportunity for the establishment of legislative authority or the enactment of laws, viz., in the reign of Cormac MacAirt, A.D. 227 to A.D. 266; at the introduction of Christianity; in the reign of Cormac Mac Cuileannan, A.D. 896 to A.D. 903; and in that of Brian Boroimhe, A.D. 1002 to A.D. 1013. There is no reason to believe that any of the kings here mentioned exercised any legislative or judicial authority. To the date of the introduction of Christianity is referred the composition of the Senchus Mor, although a considerable portion of its contents, (viz., the rules of ecclesiastical succession in the Corus Bescna,) is manifestly later.

The mode of the composition of the Senchus Mor, as detailed in the first published volume of the Ancient Laws and Institutes of Ireland, shows that all, which was really attributed to St. Patrick,was a compilation of pre-existing laws.

"Dubhthach was ordered to exhibit the judgments and all the poetry of Erin, and every law which prevailed among the men of Erin, through the law of nature, and the law of the seers, and in the judgments of the island of Erin and in the poets."*

"It was only necessary for them to exhibit from memory what their predecessors had sung, and it was corrected in the presence of Patrick, according to the written law which Patrick brought with him, &c. And they arranged and added to it."†

That the early Christian missionaries attempted to alter the pre-existing law in respect of homicide and failed to do so, may be fairly conjectured from the judgment of Dubhthach in the commencement of the Senchus Mor. The facts of the case are worthy of attention. Patrick's charioteer Odhran was slain by Nuada Derg, the son of Niall; the Saint was indignant and miracles and portents ensue. "And the Lord ordered him to lower his hands to obtain judgment for his servant who had been killed, and *told him that he would get* his choice of the Brehons in Erin; and he consented to this as God had ordered him." Dubhthach Mac ua Lugair, "a vessel full of the grace of the Holy Spirit," and who had been baptized by Patrick, acts as Brehon. The words he addresses to the Saint are very remarkable: "It is irksome to me to be in this cause between God and man; for if I say that this deed is not to be atoned for by eric-fine, it shall be evil for thy honour, and thou wilt not deem it good; and if I say that eric-fine is to be paid and that it is to be avenged, it will not be good in the sight of God; for what thou hast brought with thee into Erin is the judgment of the Gospel, and what it contains is perfect forgiveness of every evil by each neighbour to the other. What was in Erin before thee, was the judgment of the law, i.e., retaliation: a foot for a foot, and an eye for an eye, and life for life."‡

Patrick insisted that a decision should be given, and blessed the Brehon, who thereupon, inspired by the Holy

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* Senchus Mór, vol. i., pp. 16–18. † *Ibid*, p. 25. ‡ *Ibid*, pp. 7–9.

Spirit, delivered as his judgment the poem commencing: "It is the strengthening of Paganism," &c.*

What is laid down in this poem is the principle that death should follow homicide as its punishment, according to the doctrines of the Christian religion.

" The truth of the Lord,
The testimony of the New Law,
Warrant that Nuada shall die; I *decree* it.
Divine knowledge, it is known, decides
(To which veneration is due)
That each man for his crime
Shall depart unto death.

* * * *

Let every one die who kills a human being;
Even the king who seeks a wreath with his hosts,
Who inflicts red wounds intentionally,
Of which any person dies;
Every powerless insignificant person,
Or noblest of the learned;
Yea, every living person who inflicts death,
Whose misdeeds are judged, shall suffer death.

* * * *

Nuada is adjudged to Heaven,
And it is not to death he is adjudged.

According to the commentary, Nuada was put to death, and Patrick obtained Heaven for him.

The address of Dubhthach to the Saint speaks of the doctrine of retaliation as having existed in Erin before Patrick, although Patrick had lately arrived; and inasmuch as the revision of the law had not commenced, it would follow that the doctrine of retaliation was still the existing law; but at the commencement of his address the Brehon says that it would be evil for Patrick's honour unless the deed was atoned for by an eric-fine, and having pressed on the Saint the duty of forgiveness as the law of the Gospel, he, under the inspiration of the Spirit, condemns the criminal to death.

That the execution was condemned by public opinion, and excused by native tradition on exceptional grounds, is shown by the commentary. "But there is forgiveness in that sentence, and there is *also* retaliation. At this day we keep between forgiveness and retaliation, for as at present no one has the power of bestowing Heaven, as Patrick had that day, so no one is put to death for his intentional crimes as long as eric-fine is obtained."*

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* Senchus Mór, vol. i., pp. 9–11.

It may be concluded that by the early Christian party an attempt (of course attributed to St. Patrick) was made to inflict capital punishment upon the homicide, and that this innovation was rejected by the nation, and subsequently excused by the Christians on the ground that the criminal passed by the intervention of the Saint directly to Heaven. The Brehons were aware that the eric-fine was invented to put an end to retaliations, and, it being remembered that the introduction of Christianity was connected with some new principle as to homicide, they attributed to the softening influence of the Gospel the custom against which the converted Brehon, under the influence of the Holy Spirit, had protested. The eric-fine must have appeared as anomalous an institution to a Roman of the fifth century as it did to an Englishman of the sixteenth, and the establishment of a criminal tribunal of original jurisdiction would be one of the first steps taken towards the introduction of a higher civilization. The failure to introduce so primary a reform illustrates the difficulties encountered by the early Christian missionaries in their effort to introduce into Ireland Christianity and Roman civilization conjointly, and explains why they Celticised their church organization instead of reforming society by the introduction of Roman law.

The progress of society depends not so much on the establishment of a code of law by the single act of a great man as on the existence of permanent legislative and judicial authorities, by which the laws necessary to meet the new conditions of society are from time to time enacted and enforced. The total absence of such institutions is the most remarkable point in the Brehon law.

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* Senchus Mór, vol. i., p. 15. It may be conjectured that St. Patrick baptized Nuada; as in a very similar case the chaplain of Pizarro, Fra Valverde, having confirmed the sentence and signed the death warrant, baptized the Peruvian Inca, Atahuallpa, immediately before his execution.

In the Corus Bescna there is a statement of the reciprocal duties of the chief and the tribe, but the only reference to any authority exercised by the chief is the proclamations by him of the Cairde-Law. The different grades of chiefs do not appear to have any hierarchic connexion among themselves; their relation is rather with their tenants than with the tribemen; the 'daer'-stock and 'fuidhir'-tenants were of little more account than the feudal villains, and it is as between these and their chief rather than between the chief and the freemen of a tribe that the rules of that tract are laid down.

The Corus Flatha-Law, we are informed, embraced the relation of the chief to those who had chosen to hold under him by 'daer'-stock tenure; in which number would be included the 'fuidhir'-tenants, whose position, while they continued tenants, was the same as that of the 'daer'-stock tenants; it dealt with the banquets given by the tenant to the lord; the manual labour they were bound to furnish; the proclamations of Cain-Law, Cairde-Law, and hostings, to be made by the chief to his tenants; the aid the latter gave to redeem the pledges of their lord; "regulations and good morals."

That the idea of a popular assembly was not unknown appears from the Corus Bescna speaking of the forces of a territory being assembled to make goodly Cairde-Law for the territory, and apparently also Cain-Law, and to answer the claims of "those outside." There is however no reference to anything done or ordained by such assembly. The position of the chiefs towards the people may have changed in the interval of time between the text and the commentary.

In the Corus Bescna the chiefs are thus spoken of, "they remove foul weather by their good customs of 'cain' law and right, of good 'bescna' and 'cairde'-law." This passage expresses the very archaic idea that the moral order of the tribe and the observance of ancient customs, under the presidency of the chiefs, were followed by calm weather and fruitful seasons.* The commentator, mistaking the idea of the original, glosses the passage thus—"They put down or remove their over charges. It was fair weather for the people when the chiefs

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* *Vide* Transactions of the Gaelic Society. Dublin, 1809.

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did not overburden them with illegal charges." What the legal position of an Irish chief to the tribe was; what powers he exercised, and over whom; are questions to which the Brehon code has as yet given no definite information; and we remain equally ignorant of what powers were exercised by the assembly of the forces of a territory. We are unable to grasp clearly what was the social organization of an Irish tribe, and often are doubtful whether it had any definite system of action. It is not improbable that the condition of the Gauls in the first century before our era foreshadowed that of the Irish five centuries after.* The condition of an Irish tribe in so far as it lacked legislative and judicial authority, was ancient, but its political form, as that of its kindred on the Continent, tended to differ from that of the archaic tribe communities of other nations of the Aryan stock. "The feeling of citizenship . . had little power of spontaneous development among any race of Celtic origin; the natural ties which held society together among the Gauls were rather personal than civil."† Popular assemblies dealing with public affairs existed among the Gauls in the time of Cæsar, and took, as in the case of the Helvetii, cognizance of crimes against the state, but they were incapable of asserting their rights against a chief supported by a numerous personal following. The Celtic national tendency was developed still further in Ireland when the original tribe assembly was altogether superseded by the retainers of the chief. On the other hand, the Scandinavian and Teutonic nations retained and developed the public meetings of the original tribe. To the retention or loss of this essential element of an autonomous tribe community, the difference of the fortunes of the Celtic and Teutonic races is mainly referable.

Under the two first points of view above suggested, the archaic character of the Brehon law lies rather in the absence of modern ideas than in the preservation of early forms; and it is curious rather as displaying the disintegrating tendencies of the Celtic character than as preserving institutions of great antiquity.

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* The assembly of the forces of a territory could have little power over a chief supported by his 'daer'-stock and 'fuidhir'-tenants. "Die constitutâ causæ dictionis Orgetorix ad judicium omnem suam familiam, ad hominum decem millia, undique coegit; et omnes clientes obœratosque suos, quorum magnum numerum habebat, eodem conduxit; per eos ne causam diceret, se eripuit."—Cæs. B. G., lib. 1, c. 4.

† Merivale, R. H., vol. 1, p. 255.

The nature of the jurisdiction upon which the decisions of the Brehons were founded, and the extent to which the idea of crime was, or rather was not, developed, are discussed at length in the subsequent introduction to the Book of Aicill. It may be here observed, in anticipation of the subsequent treatment of the subject, that the modern ideas of original jurisdiction and crime are wholly absent from the Brehon code. By the term "crime" or "criminal" there is no reference whatsoever made to the moral or immoral nature of an act; a sin is the violation of the moral code; a crime is a violation of the established law of the community—a disobeying of a command given by the state to its members. Many acts are gross sins which are not crimes, and acts of the highest virtue may be criminal in the legal sense.

Although the principles of the Brehon law as to jurisdiction and crime are thoroughly archaic, the mode in which they are elaborated is of a very different character. This is evident upon a comparison with the corresponding portions of other early codes. In the latter we meet with merely short sentences, attaching certain compensations to definite injuries. There are no fine-drawn distinctions, and there is an absence of all subtlety and elaboration. In the Irish laws, on the other hand, as the necessary consequence of the existence of an hereditary law caste, there is an over-refinement of the most modern character. The basis is archaic, but the mode in which it is treated is of a very different nature. This branch of the law appears to be rather an abnormal development than a healthy growth, and finds no representative in other systems of early law.

The idea of separate property, as distinguished from that which belonged to the family as an aggregate body, was quite familiar to the Brehon code. The law in this respect is not more archaic than that which existed in England in the 12th century. The power of disposing of property which belonged to an individual in severalty was apparently unlimited, and there are incidental allusions in the Corus Bescna to a disposition by will. The mode in which the Brehon code treated questions relative to the disposition of property, is not such as might be anticipated in a collection of very ancient customs. In archaic systems, such as the early Roman law, so far as they deal with the disposition of property, the most striking peculiarity is that the rights to property depend upon certain prescribed acts, which constitute the conveyance of the subject matter. The performance of the appropriate ceremony carried the property, and was not considered as the evidence merely of the fact that a contract had been entered into in respect of the subject-matter. This principle is so well known in Roman law that it is unnecessary to cite any instances therefrom; and it was equally prevalent in our early English real property law. The act of the delivery of seizin carried the freehold to the feoffee, even when performed by a person who had no legal right to dispose of the land. Even in our own day, in the common law courts, the grantor in a deed, to which he has affixed his seal, cannot go behind the deed into the real facts of the transaction. In the Corus Bescna this well known archaic form of law is absent. The rules deal with the *contract* between the parties, not with the *formalities* by which the property is transferred. From the contract to sell arise reciprocal legal rights and obligations. The contract may be invalidated by fraud, suppression, want of sufficient authority, &c. There is no reference to any ceremony by which the transfer is effected; all the principles are those of a court of equity, though hampered by certain technical and peculiar rules. We have not, in any portion of the Brehon laws yet published, any statement of the forms and ceremonies used upon the occasion of a conveyance of land, but it does not seem to have been more formal than that of movable property. Than this portion of the law nothing can be less archaic, and here, if anywhere, are the traces of the rules of the civil law to be sought for. Translations of maxims of the civil law and at least one allusion to a Roman lawyer prove that the more educated Irish were not wholly ignorant of the Roman law. To any other source it is impossible to refer the idea of the right of testamentary disposition, and the more so as it is found chiefly in connexion with the transfer of property to the Church.

It is to be remarked that there are no rules in the Corus Bescna as to the rights of the members of the familia *inter sese*, although the rights of the aggregate body as against its head are distinctly laid down; the system of 'geilfine' organization, so anomalous in its character, as explained in the Book of Aicill, may in itself be a proof of the looseness of the family bond. The Celtic national character may have tended to dissolve the family community, as it undoubtedly broke up the tribal. Any doubt, however, as to the original form of the family is removed by the remarkable section which concludes the Book of Aicill, in which the community of the family property and the rights of the aggregate body to the service of each of its members are most clearly apparent.

In all laws except those of a very modern character the rights arising from status much outnumber those founded on contract, and it is therefore very remarkable how large a portion of the present volume treats of contract. The Book of Aicill contains all the principles of the law relative to the hiring of chattels, and of the law of partnerships. It also clearly lays down the principle that the relation of landlord and tenant is a matter of contract, and that in the absence of an express agreement an implied one is presumed to exist between the parties. Than these portions of the law nothing can be less archaic. A very remarkable instance of the anticipation of the present principles of law is the clearness with which the doctrine of contributory negligence on the part of the party injured, and of notice to the injured party of any defect in the instrument which was the cause of the injury, are worked out and illustrated. In these and other similar points the modern turn of thought of the early Irish lawyer is remarkable.

The branches of law, improvement in which is most essential for the progress of society, are those in which the Brehon law is either wholly defective, or continued archaic; on the other hand many doctrines which generally make their appearance only in a very advanced stage of society are fully elaborated. The idea of murder was very familiar to the popular English mind long before the Judges discussed the question of contributory negligence. Lord Holt was obliged to have recourse for the law of bailments to the civil code, centuries after the establishment of Parliament and the organization of the law courts. Brehons, on the other hand, who had no conception of a law or a crime discussed questions of partnership, and worked out the application of the law of agency, in a very complete manner. This strange mixture of the ancient and the modern, the less civilized and the more civilized mode of thought, must at once strike the reader on a perusal of these laws, which exhibit in an unusual degree an unevenness and irregularity of development.

The mode in which the Brehon law acquired its peculiar character, whereby archaic and modern ideas of jurisprudence appear together in the same law book, in such fashion that the modern does not supplant the ancient but is built upon it and develops it, can be understood when the action of an hereditary law caste is recognised.

We are informed in the Senchus Mor that originally the judicature belonged to the poets alone, "until the contention which took place at Emhain Macha between the two sages, viz., Ferceirtne, the poet, and Neidhe, son of Adhna, son of Uither, for the sage's gown which Adhna son of Uither had possessed. Obscure indeed was the language which the poets spoke in that disputation, and it was not plain to the chieftains what judgment they had passed."* It would appear from this that the customs were originally contained in rhythmical composition traditionally handed down through successive generations, and that in the lapse of time and alteration of language, these compositions had become as unintelligible to the laity, and probably to the bards themselves, as the songs of Numa to the Roman of the days of Augustus.* "These men," said the chieftains, "have their judgments and their knowledge to themselves. We do not, in the first place, understand what they say." "It is evidently the case," said Conchobhar; "all shall partake in it from this day forth, but the part of it which is fit for these *poets* shall not be taken from them; each shall have his share of it."† Some reform was introduced at this date, the particulars of which it is not easy to collect, but it is clear that thenceforth the bards ceased to be the depositories of the ancient custom, and the Brehon caste was established as an independent class exclusively devoted to the maintenance of the customary law in a traditional form. "Until Patrick came, only three *classes of* persons were permitted to speak in public in Erin, *viz.*, a Chronicler, &c.; a Bard, &c.; a Brehon to pass sentence from the precedents and commentaries."‡ The introduction of the word "commentaries" here expresses only the ideas of the author of the Senchus Mor. The necessary consequence of establishing a special hereditary legal caste would be, in an early state of society, to give a greater certainty to the application of the customs to particular cases through the influence of traditional precedents, but at the same time to involve the original customs in a technical terminology. The decision in a case might be intelligible and uniform, but the mode in which it was arrived at would be a professional mystery. The bards stated what was the law, and the chiefs acted on the law laid down by them, until it became unintelligible; the Brehon both laid down and applied the law, and people never inquired what was the law which he so applied. The early Brehon, possessing in his own breast the whole law, assumed a mysterious character and was treated as an inspired or *quasi* divine personage. "When the Brehons deviated from the truth of nature, there appeared blotches upon their cheeks; as first of all on the right cheek of Sen MacAige, whenever he pronounced a false judgment, but they disappeared again when he had passed a true judgment, &c. Connla never passed a false judgment, through the grace of the Holy Ghost, which was upon him. Sencha Mac Col Cluin was not wont to pass judgment until he had pondered upon it in his breast the night before. When Fachtna, his son, had passed a false judgment, if in the time of fruit, all the fruit of the territory in which it happened fell off in one night, &c.; if in time of milk, the cows refused their calves; but if he passed a true judgment, the fruit was perfect on the trees; hence he received the name of Fachtna Tulbrethach. Sencha MacAililla never pronounced a false judgment without getting three permanent blotches on his face for each judgment. Fithel had the truth of nature, so that he pronounced no false judgment. Morann never pronounced a judgment without having a chain round his neck. When he pronounced a false judgment the chain tightened round his neck. If he passed a true one, it expanded down upon him."*

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* Senchus Mór, vol. i., p. 19.

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* "Jam Saliare Numæ carmen qui laudat, et illud,
Quod mecum ignorat, solus vult scire viderî."
Hor. Ep. 2, 1. 86.

† Senchus Mór, vol. i., p. 19.

‡ *Ibid*, vol. i., p. 19.

The effect of the establishment of an hereditary law caste was to hand over to certain distinct families the absolute determination of what was the custom, the knowledge of which they retained in their own hands exclusively, assuming the character of inspired legal prophets. Such a system could be overthrown only by a revolution, similar to that which had deprived the bards of their monopoly; but such a movement can only arise when the practical working of an institution becomes intolerable, a result which the professional position of the Brehons rendered improbable. It was their interest to give substantially just decisions in accordance with popular ideas of right and wrong, however mysterious were the means by which they arrived at them. No social causes existed which could lead to an inquiry as to the soundness of their general principles. There was not any extensive intercourse with foreign nations, nor was there any permanent settlement in Ireland of tribes possessing a different customary law. There was not even sufficient internal traffic to create a market law, in contradistinction from the immemorial custom.* So far the law administered by the Brehons would be simply the custom rendered mysterious and embarrassed by technicalities. But a further and peculiar element is introduced by the schools of law. The instruction in these schools, as far as we can judge from the Brehon law books, consisted in the acquisition of the customary rules, and the dexterous application of them to particular cases. The law of compensation involved in every case the consideration of the circumstances which mitigated or increased the amount to be awarded, and in some cases, when the injury was done to joint proprietors, the consideration also of the shares in the award to which they were respectively entitled. All the questions which now arise as to the amount of damages to be awarded in actions, either of tort or contract, must have been familiar to the students of such a school, and very many questions as to contracts must have occurred. The principles of all laws upon such subjects take their rise from a few simple ethical propositions; and if we admit a certain knowledge of the civil law, it may be perceived that such a system of legal instruction would lead the pupils to an acquaintance with legal principles far beyond the state of the society in which they lived. Thus in a Brehon law school the most archaic and modern ideas could coexist without mutual destruction. The latter would be discussed as determining the mode of the application of the former. No power existed capable of enacting new laws, and the conservative feeling of an hereditary caste would be opposed to such an idea; but without in any degree assailing the fixed principles of the ancient custom, the disputatious energy, so peculiar to the Scoti, had free scope in considering how such principles should be applied under every varying combination of circumstances.

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* Senchus Mór, vol. i., p. 25.

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* "The market was the space of neutral ground in which, under the ancient constitution of society, the members of the different autonomous proprietary groups met in safety, and bought and sold unshackled by customary rule. Here, it seems to me, the notion of a man's right to get the best price for his wares took its rise, and hence it spread over the world. Market law, I should here observe, has had a great fortune in legal history. The *jus gentium* of the Romans, though doubtless intended in part to adjust the relations of Roman citizens to a subject population, grew also in part out of commercial exigencies, and the Roman *jus gentium* was gradually sublimated into a moral theory, which among theories not laying claim to religious sanction, had no rival in the world till the ethical doctrines of Bentham made their appearance. If, however, I could venture to detain you with a discussion on technical law, I could easily prove that Market law has long exercised and still exercises a dissolving and transforming influence over the very class of rules which are profoundly modifying the more rigid and archaic branches of jurisprudence. The law of Personal or Movable Property tends to absorb the law of Land or Immovable Property, but the law of Movable Property tends steadily to assimilate itself to the Law of the Market."—MAINE, *Village Communities*, p. 193.

Any social change, which could have rendered the old customs impossible, would have given to the advanced principles of law familiar to the Brehon an opportunity of rapid development; but the convulsions to which Ireland was subject did not tend to develope its social state, but rather to destroy the whole organization of society, without substituting for it any positive system. A constant state of war obliterates legal rights, and changes the chief of a tribe community into the head of a body of personal retainers. The description of the chief of the M'Guires, given by Sir John Davis, was applicable to Irish chiefs for centuries previous. "Besides these mensal lands, M'Guire had two hundred and forty beeves or thereabouts yearly paid unto him, out of the seven baronies, and about his castle at Inniskillen, he had almost a ballibetagh of land which he manured with his own churles. And this was M'Guire's whole estate in certainty, for in right he had no more, and in time of peace he did exact no more (*i.e.*, than the customary payments); marry, in time of war he made himself master of all, cutting what he listed, and imposing so many bonaghts, or hired soldiers, upon them as he had occasion to use. For albeit Hugh M'Guire, who was slain in Munster, were indeed a valiant rebel, and the stoutest that ever was of his name, notwithstanding generally the natives of the country are reputed the worst swordsmen of the north, being rather inclined to be scholars or husbandmen than to be kerne, or men of action, as they term rebels in this kingdom; and for this cause M'Guire in the late wars did hire and wage the greatest part of his soldiers out of

Connaught, and out of Breny O'Reillye, and made his own countrymen feed them."*

As the rapid increase of wealth by commercial relations with foreign countries, or the establishment of a strong national sovereignty, might have developed into a practical code adapted to an advancing society, the speculative legal ideas which the Brehon law contained, so the continued disorders of the country, destroying the idea of customary rights, diminished the prestige of the Brehon, and reduced him from his position as the oracular exponent of right, to that of a mere register of the local customs of the sept, which customs themselves shrunk into little more than the regular applotment upon the tenants of the dues claimed by the chief. The nature of the law professed by one of the last Brehons is clearly shown in the pitiable narrative of Sir John Davis contained in the letter above referred to.† "Touching the certainties of the duties and provisions yielded unto M'Guire out of these mensal lands, they referred themselves to an old parchment roll, which they called an indenture, remaining in the hands of one O'Brislan, a chronicler and principal Brehon of that country; whereupon O'Brislan was sent for, who lived not far from the camp, who was so aged and decrepid as he was scarce able to repair unto us; when he was come, we demanded of him a sight of that ancient roll, wherein, as we were informed, not only the certainty of M'Guire's mensal duties did appear, but also the particular rents and other service which was answerable to M'Guire out of every part of the country. The old man, seeming to be much troubled with this demand, made answer that he had such a roll in his keeping before the wars, but that in the late rebellion it was burned among others of his papers and books by certain English soldiers. We were told by some that were present that this was not true; for they affirmed that they had seen the roll in his hands since the wars. Thereupon, my Lord Chancellor being then present with us (for he did not accompany my Lord Deputy to Ballyshannon, but staid behind in the camp), did minister an oath unto him, and gave him a very serious charge to inform us truly of what was become of the roll. The poor old man, fetching a deep sigh, confessed that he knew where the roll was, but that it was dearer to him than his life, and therefore he would never deliver it out of his hands unless my Lord Chancellor would take the like oath that the roll should be restored to him again. My Lord Chancellor, smiling, gave him his hand and his word that he should have the roll redelivered unto him, if he would suffer us to take a view and copy thereof. And thereupon the old Brehon drew the roll out of his bosom, where he did continually bear it about him. It was not very large, but it was written on both sides in a fair Irish character; howbeit some part of the writing was worn and defaced with time and ill-keeping. We caused it forthwith to be translated into English, and then we perceived how many vessels of butter, and how many measures of meal, and how many porks, and other such gross duties did arise unto M'Guire out of his mensal lands."

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* Vallancey, Col. Hib., vol. i., p. 161.

† *Ib.*, p. 159.

The decline of the Brehon from his position as an almost oracular expounder of right to that of a mere recorder of local customs is shown by the contrast between Dubhthach Mac Ua Lugair "a vessel full of the grace of the Holy Ghost" and O'Brislan, who prized as a treasure the rent roll of a petty chief.

The system of Brehon law has been at once unduly depreciated and extravagantly praised.

The English officials employed in the settlement of Ireland desired, as a material guarantee against rebellion, to vest large districts in the grantees of the Crown; whose estates held upon English tenures would be subject to forfeiture for treason. It was anticipated that thus there could be created a class of large proprietors bound by their own interests to support the English Government and enforce English law and customs among the occupiers of the land. An hereditary class of proprietors, whose rights conflicted with the first principles of a tribal community would be forced to abandon their claims to chieftainries, the existence of which was incompatible with the lineal transmission of their estates. The mass of the population however, always rejected the foreign ideas of tenure and primogeniture, and under the pressure of local public opinion the royal grantee relapsed into the position of a tribal chief. The constant failure to establish a system of tenure which the English executive regarded as at once an advance in civilization and necessary for the extension of their influence, rendered them most hostile to the customs of the natives, which so often caused their best-intentioned designs to miscarry. The partition of the land among all the members of a family or clan constantly rendered the royal grants unfruitful of the results anticipated; and the well-founded rule, to which the occupants of land tenaciously clung, that the land belonged to the tribe and not to the chief, who during his term of office held certain lands and rights *virtute officii* merely, prevented the descendants of the original grantees from acquiring a permanent and transmissible estate in the lands.

Sir John Davis and other English statesmen regarding the Brehon law from this point of view, considered it to be the most formidable obstacle to the introduction of civilization and order; it was in their opinion a law which tended to the destruction of the commonwealth. Brehon law was thus summarily condemned with reference not to its actual principles but to political difficulties attributed to it at a time when its exercise had almost ceased. Before the introduction of historical criticism archaic laws were judged only with reference to their practical application to existing circumstances; it was not then imagined that such antiquated systems were the great repertories of the facts of early history.

Native Irish writers, on the other hand, like all historians of unfortunate nationalities, have imagined the existence of an age of gold, interrupted and destroyed by the disasters to which their country was subjected. The code of law so hated by the English officials of the 17th century, and so universally suppressed, has been imagined to have been the system under which the heroic age of the Celtic people enjoyed a legendary prosperity. To it have been therefore attributed principles of equity, which neither existed nor could have existed in it or any similar system.

It is possible for us at the present time, regarding the Brehon law from neither a political nor a patriotic stand point, to estimate its intrinsic and historical value.

It cannot be denied that the Brehon code, as administered and elaborated, was an obstacle to any considerable social progress. The existence of an hereditary legal caste withdrew the laws from the criticism of public opinion, and prevented the establishment of that legislative and judicial authority which is the first step in national progress. Its fundamental principles were those common to all early societies, and of which the abandonment is essential to an advancing civilization. Upon these was built an enormous edifice of logical and technical deductions, which must have rendered the principles whereby any case was decided unintelligible to the parties. The basis and the superstructure were so combined that the, often very advanced, views contained in the latter must have failed to take effect upon the general condition of society; the learning of the Brehons became thus as useless to the public as the most fantastic discussions of the schoolmen, and the whole system crystallized into a form which rendered social progress impossible. The Brehon system in its full development resembled the English law of real property at the commencement of this century, with the aggravation that no Parliament existed capable of taking in hand the question of legal reform.

The student of legal antiquities will not find the Brehon law as fruitful a source of information as might at first be anticipated. The Celtic nations did not retain the ancient tribe system with the tenacity exhibited by their Teutonic and still more by their Sclavonic brethren. Their preference for personal and social rather than for civil and legal relations soon, alike in Gaul and Ireland, deprived their village communities of their most essential characteristics, and prevented their progress to a higher form of polity. However ancient in point of time may be the original text, it is in many respects less archaic than the early Teutonic codes and the customs of village communities at present existing in Sclavonic countries. The commentaries contain, embedded as it were in them, certain fragments of archaic custom often as old if not older than the text, but are in general remarkable merely as exhibitions of logical skill. In the two tracts published in the present volume the subjects are not treated in a manner sufficiently exhaustive to enable a reader to understand the practical working of the system. It is impossible to learn from the Book of Aicill who would be the plaintiffs in any proceeding arising from an homicide, or who, in the default of the criminal, would be subject to liability as being his kinsmen. Statements upon such points were probably unnecessary for the students of the period, to whom they were perfectly familiar, but their omission must frequently render the perusal of the Brehon law tracts disappointing to the modern reader, who desires to acquire definite information.

The great value of the Brehon law lies in the immense collection of facts relative to the daily life, occupations, and habits of the people, contained in it. The very defect of the system, the tendency to consider individual cases rather than general principles, forced the compilers incidentally to describe almost every form of society, especially that ordinarily most neglected, the daily life of the common people. It may be asserted, without fear of contradiction, that from these laws there may be obtained so numerous a collection of notices of ordinary life that an idea of the social condition of an early Irish community may be obtained as clear, if not clearer, than that which we possess of Continental or English society in the middle ages; and it is to be earnestly desired that this as yet unworked mine of information may soon find an historian possessing the industry and learning requisite to turn it to account.*

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* When the preceding Introduction was already in press, the article of Mons. Laveleye, entitled "Les Formes Primitives de la Propriété," appeared in the *Revue des Deux Mondes*. The extreme resemblance between portions of that essay and the preceding Introduction is therefore wholly accidental. The editors are

naturally gratified to find the views contained in the preceding Introduction supported by the high authority of Mons. Laveleye. They refer particularly to the following passage:—

"La philologie et la mythologie doivent les merveilleuses découvertes, qu'elles ont faites récemment, à l'emploi de la méthode des études historiques comparées. M. Maine pense que cette même méthode, appliquée aux origines du droit, pourrait éclairer d'un jour tout nouveau les phases primitives du développement de la civilisation; on verrait clairement que les lois sont, non le produit arbitraire des volontés humaines, mais le résultat de certaines nécessités économiques d'une part et de l'autre de certaines idées de justice dérivant du sentiment moral et religieux. Ces nécessités, ces idées, ces sentimens, ont été très semblables et ont agi de la même façon sur les sociétés, à une certaine époque de leur développement, en y présidant à l'établissement d'institutions partout les mêmes. Seulement toutes les races n'ont marché du même pas. Tandis que les unes sont déjà sorties de la communauté primitive au début des temps historiques, d'autres continuent à pratiquer de nos jours un régime qui appartient à l'enfance de la civilisation. Dès les premiers temps de leur annales, les Grecs et les Romains connaissent la propriété privée de la terre, et les traces de l'antique communauté du clan sont déjà si effacées qu'il faut une étude attentive pour les retrouver. Les Slaves au contraire n'ont point renoncé au régime collectif. La géologie nous apprend aussi que certains continens ont conservé une flore et une faune qui déjà ailleurs ont disparu depuis longtemps. C'est ainsi, dit-on, qu'en Australie on trouve des plantes et des animaux, qui appartiennent aux âges antérieurs du développement géologique de notre planète. C'est dans des cas semblables que la méthode des études comparées peut rendre de grands services. Si certaines institutions des temps primitives se sont perpétuées jusqu'à nos jours chez quelques peuples, c'est là qu'il faut aller les surprendre sur le vif, afin de mieux comprendre un état de la civilisation qui ailleurs se perd dans la nuit des temps. J'essaierai d'abord de faire connaître le régime des communautés de village tel qu'il existe encore aujourd'hui en Russie et à Java. Je montrerai ensuite que ce régime a été en vigueur dans l'ancienne Germanie et chez la plupart des peuples connus. J'étudierai enfin les communautés de famille si répandues en Europe au moyen âge, et dont le type s'est conservé jusque sous nos yeux chez les Slaves méridionaux de l'Autriche et de la Turquie."—"*Les Formes Primitives de la Propriété.*"—*Revue des Deux Mondes*, tom. 100^{me}, f. 138–139.

With this may be compared the following passage in M^cLennan—Primitive Marriage:—"For the features of primitive life we must look, not to the tribes of the Kirghiz type, but to those of Central Africa, the wilds of America, the hills of India, and the Islands of the Pacific; with some of whom we find marriage laws unknown, the family system undeveloped, and even the only acknowledged blood-relationship that through the mothers. These facts of to-day are, in a sense, the most ancient history. In the sciences of law and society, old means not old in chronology, but in structure; that is most archaic which lies nearest to the beginning of human progress, considered as a development, and that is most modern which is furthest removed from that beginning," p. 8.

INTRODUCTION TO PART III. OF THE SENCHUS MOR KNOWN AS "THE CORUS BESCNA."

THE subject of the tract entitled the Corus Bescna is the law relative to obligations, or the rights *inter sese* existing between the members of the same community, in reference to the enjoyment and transmission of property.

The subject is naturally divided into two heads—obligations created by express contract or incident to an actual contract (*e contractu*), and obligations incident to the social position of the parties independent of any actual agreement between them (*e statu*), but which, although really distinct from obligations *e contractu*, are in most systems of law coupled with them as referable to some supposed antecedent, but in truth non-existent, agreement between the parties.

There is no attempt made to treat either branch of the subject exhaustively. Under the first head the only express contract referred to is that of the sale and purchase of chattels; there is no reference to contracts for the sale or leasing of lands, hiring for temporary use, pledging, &c. Under the second head there are rules as to the reciprocal rights of the chief and tribe, the Church and the people, the head of the family and its members; but those flowing from the relation of husband and wife, and many others which may at once occur to the reader, are altogether omitted.*

The mode in which the subject of express contracts is dealt with is singularly illustrative of the manner in which the Brehon Law Tracts have been compiled. The original text, which is perfectly clear and consistent, is almost altogether confined to the question of the competency of various classes of persons to enter into contracts of sale; and the validity or invalidity of the contract is viewed with reference to the power of the contracting parties to enter into the contract. There is in the original text but one reference to the rights which arise from a contract invalid by reason of fraud or mistake. The annexed commentary, which has scarcely any connexion with the text, attempts to supplement the deficiencies of the original, and consists of various collections of rules as to the rights arising when contracts are invalid from fraud or mistake. That the commentary itself was not the work of any one person appears from the fact that the rights arising from an invalid contract are laid down no less than five times in different terms and with numerous variations. The same more extended mode of treating the subject also appears in the glossary, as if the person explaining the old text were desirous of finding in it legal ideas familiar to himself, but not contemplated by the original author. Thus, where in the text a contract between two sane adults is stated to be valid, the gloss introduces the additional qualification that it should be with knowledge and warranty, a qualification foreign to a rule which treats of the validity of a contract with reference to the power of contracting parties to enter into it, and not of the validity of the contract with reference to the fraud or mistake of the parties.

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* They are treated of in the Cain Lanamhna, Senchus Mór, vol. 2, p. 342.

It is to be anticipated from the history of ancient law that the portion of the text devoted to obligations *e contractu* would be small in comparison to that treating of obligations *e statu*, and that the commentary would exhibit, so far as it treated of the former class, an increased number of legal maxims as contrasted with the text. In early societies organised in families the amount of private property can be but small, and the number of express contracts insignificant. The gradual progress from an ancient to a more modern form of society, involving the gradual breaking-up of the household community, tends to the increase of private property and the multiplication of express contracts. The relative proportion of obligations *e contractu* and *e statu* is constantly altering; the former must increase and the latter diminish in proportion to the changes which the society may undergo. It is useful, therefore, to distinguish the mode in which the text treats the subject of express contracts, as contrasted with that adopted in the commentary.

In the text, contracts are divided into valid and invalid. The validity of a contract depends upon the capacity of the parties to contract, and the existence of a "consensus" between the parties, *i.e.*, the absence of fraud or mistake in the contract itself. The capacity to contract depends both upon the legal status of the contracting parties and their mental ability to comprehend the transaction. At a time when the greater portion of the population did not possess any absolute right in property, and were therefore incapable of contracting in respect to it, and when the property possessed by those of full legal rights was to a large extent enjoyed by them, not in their individual capacity, but as the heads of and trustees for communities, the validity of a contract would be most frequently impugned upon the ground either of the status of the contracting party or the real ownership of the subject-matter of the contract. To these two subjects the attention of the authors of the original text is chiefly directed; the former is discussed in the portion of the text which professes to deal with express contracts; the latter is postponed to that which discusses the relations between the head and the members of a community in relation to the joint property.

Valid contracts are divided into three classes, viz., those between (1) 'lân'-persons, (2) 'saer'-persons, and (3) sane adults. Contracts thus valid are manifestly contrasted with those afterwards treated as invalid, viz., those made with 'fuidhir'-tenants of a chief, 'daer'-stock tenants of a church, proclaimed fugitives, sons, women, idiots, and persons without sense. Neither classification is consistent; but the obvious meaning is, that the former class possessed the requisite legal status and mental capacity, and that the latter failed in either one or other of these requisites.

The first class of persons specified as capable of entering into valid contracts are described as 'lân' or 'slân'-persons. The first term means "full or complete persons," and is glossed as meaning persons who enter into a contract in which full value is given on both sides; the second term may mean "one whose contracts are sound," &c. It is, however, evident from the context, that the term, whatever be its precise meaning, indicates a class capable of contracting, and not the parties to a contract of any peculiar character.

The 'saer'-tenants, who are capable of contracting, are contrasted with the 'fuidhir'-tenants of the chief and the 'daer'-stock tenants of a church, as the sane adult is contrasted with the fool or idiot. It may therefore be presumed that the 'lân'-person is similarly contrasted with the son, the wife, and proclaimed fugitive, who could possess no independent legal position, but remained in the hand of the head of the household in which they abode. If this view of the meaning of the text be correct, the 'lân'-person would be simply one who possessed full civil rights, and would correspond to the Teutonic freeman as contrasted with members of the classes described as unfree.

All persons incapable of making valid contracts were in the position which is occupied by married women and minors in English law. Sons, 'fuidhir'-tenants of a chief, 'daer'-stock tenants of a church, proclaimed fugitives, women, idiots, &c., could not be bound by any contract, whether for their advantage or otherwise, without the consent of the person in whose hand they were. Such consent could be shown by subsequent express adoption, or the mere omission to repudiate.

In considering the consequences of a contract being invalidated by reason of fraud or mistake, the early form of social organization must be borne in recollection. Modern ideas as to contracts are applicable only where the rights of individual ownership have been once established. The absolute owner of property exercises his own judgment for his own benefit, and is therefore justly liable to the results of his own indiscretion, and if he knowingly enter into a disadvantageous contract, is as much bound to fulfil it as if it had been of the utmost advantage.

But when the parties to contracts, or one of them, deal with the common property of a family, and represent not themselves only, but the community of which they are the legal guardians, the question must arise, whether their power to contract be not modified by their position. If they are representatives of a community, and not absolute owners of property, they sell any portion of the common stock as constructive agents acting on behalf of the entire community; their power of sale must be limited by the extent of their implied agency; and their authority on behalf of the community must be to dispose of its property for the general advantage to the best of their skill and judgment. If the head of a family wantonly or knowingly purchased defective articles, the contract could be repudiated by the community as made without their authority. If the community acts only through its head, who has himself entered into the contract in question, he could himself repudiate it on behalf of the community. The repudiation of contracts, as injurious to the community, which the head of any such community had entered into on its behalf, would naturally lead, by a false analogy, to the doctrine that an individual might within reasonable limits annul a contract disadvantageous to himself. Property in common preceded individual property, and the incidents of a contract, which existed when the subject-matter was common property, may subsequently have attached in the customary law to the contracts dealing with a different species of property. This doctrine appears in the text in the following paragraph (page 7):—"In a bad contract, which is known to be bad, made by sensible men, the fraud is divided in two; the half is paid by the 'roach'-sureties, the other half is forfeited." The meaning of which, as explained by the gloss, appears to be—"if two men enter into a contract, which is tainted by fraud, by reason that the article sold is not such as it is represented to be by the vendor, and the fraud is known to the purchaser, in consequence of the knowledge by the purchaser of the fraud practised upon him, the deficiency in value of the article sold is divided into two parts, one of which is paid on account of the warranty or representation of the vendor to the purchaser, the other half is forfeited by the purchaser and retained by the vendor." From this paragraph it may be concluded that the "knowledge" referred to in the commentaries is the knowledge of the purchaser, not of the vendor, as to the defective condition of the article. In the commentary the rights arising from a contract invalid by mistake or fraud are repeatedly laid down in substantially the same terms.

Contracts invalid from the deficiency or defect of the article sold are divided into classes with reference to the existence, or non-existence, of a warranty by the vendor, of the nature of the subject-matter of the contract, and knowledge by the purchaser of the deficiency or defect by reason of which the contract is invalidated. The subdivisions of contracts are, therefore, four in number:—(1) in the case of knowledge and warranty, the contract is dissoluble for twenty-four hours, but afterwards binding; (2) in the absence of both knowledge and warranty, it is dissoluble for ten days; (3) if there be a warranty but no knowledge, the purchaser may recover the amount of the deficiency or defect within ten days; and (4) in the case of knowledge, but without warranty, the third of the amount in which the purchaser is defrauded is lost by him after the lapse of twenty-four hours, but for the space of ten days he may recover the third of the deficiency or the consideration.*

Having treated of expressed contracts (*contracts by word of mouth*), the text proceeds to implied contracts, or rather those duties attaching to the status of a man, which are explained by the legal fiction of constructive or implied contract.

All orders in society are supposed to exist by their special rules, which the members of each class (impliedly) have promised to observe.

For each original class there exists its own customary code. In each territory there are three customary codes—

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* It is most difficult to reduce the commentary as to the consequences of the invalidity of contracts, arising from fraud and mistake, to any definite principles. The explanation given in this introduction as to the meaning of the terms "knowledge" and "warranty" is founded upon the comparison of the various passages. It is to be admitted that it is not free from difficulty, and the remedies given in the four classes of invalid contracts cannot be satisfactorily explained upon this assumption.

that of the chief (‘*corus flatha*’), of the tribe (‘*corus fine*’), and of the lower orders (‘*corus feine*’). The first defines the duties of the (tribesman (?) or) tenant to the chief; the second deals with distribution and transmission of the tribe land among the natural (born) tribesmen; the third treats of the subjects in which all the inhabitants of the tribe district are interested, viz., tillage in common, marriage, giving in charge, loan-lending, &c.

The ‘corus flatha’-law, conversant with the relations between the chief and his tenants (glossed ‘daer’-stock tenants), comprised—(1) banquets, the feasts given by tenants; (2) labour services; (3) proclamations; (4) pledges, given by the chief for the fulfilment of their duties by his tribe; and (5) regulations and morals.

The text, as far as it deals with the ‘corus flatha’-regulations, is extremely vague, and takes the form of abstract moral statements rather than of legal propositions. This may be accounted for, if it be remembered that there was no universal form of the ‘corus flatha’ prevailing throughout the island, as the selection of English customary law known as the common law prevailed throughout England. Every territory possessed its own ‘corus flatha,’ as every manor in France or England its own usages and customs. The same diversity existed as to the regulations comprised in the ‘corus fine’ and the ‘corus feine.’ The limits of variation would be greatest in the first and narrowest in the third of the above codes, if it is allowable to make any conjecture on the subject from the analogy of other early customary laws. The author of the text clearly regards the several ‘corus’-regulations as the result of local customs, and pointedly refers to this in the question—“How many ‘corus’-regulations are there in a territory?”

The text proceeds to divide banquets into three classes, the two former of which alone can be considered the subject of legislation, viz., (1) godly banquets, (2) human banquets, and (3) demon feasts.

The godly banquets are feasts or refections connected with the performance of religious sacraments or rites, or the works of charity enjoined by Christian doctrine. The former class includes—(1) the Sunday meal given by a married pair to their church, which might be given weekly "without ale" or monthly "with ale;" (2) the celebration by a feast of the high Festivals, such as Easter or Christmas; (3) the feast given as the price of baptism; (4) the feast on the consecration of a church. The latter class comprises—(1) tithes and first fruits, &c.; (2) feeding a pilgrim; (3) charity to the poor. For the payment of tithes, first fruits, and alms by their people, the chiefs gave pledges to the church, which the parties primarily subject to the payment were required to redeem in case of their failure to perform the service. The usual confusion between what is morally right and legally exigible appears in this section, to understand which it is necessary to realize how very small must have been the territory and following of a large proportion of those who are designated as "chiefs."

Under the term "human feasts" are included the customary entertainments given by the tenant to the chief, the origin of all the abuses subsequently known under the general term of cess, and the duty of providing provisions for the assembled body of the tribe on particular occasions, *e.g.*, "when the forces of a territory were assembled for the purpose of demanding law and proof, and answering to illegality."

The third species of banquets are not a subject of law in any sense; they are defined as demon feasts, *i.e.*, banquets given to the sons of death and bad men, *i.e.*, to lewd persons and satirists, and jesters, buffoons, and mountebanks, and outlaws, and heathens and harlots, and bad people in general. "Such a feast," it is added, "is forfeited to the demon." There is not in the text any enactment or rule prohibiting these entertainments, which are merely placed under a moral censure. Here possibly may be recognised some early prohibition against the celebration of heathen usages. The portion of the text commencing with "*i.e.* to lewd persons," &c., is probably a late interpolation after Christianity was generally established, and the celebration of heathen rites had ceased to be usual. It may be remarked, that the introduction of the term heathen into this portion of the text, shows that at a date long subsequent to the introduction of Christianity there were existing in the island some who still adhered to the old worship, and as such were classed by the Church among "bad people in general."

The 'corus flatha'-law is explained in the gloss as treating of the law between the chief and his 'daer'-tenants, but the enumeration of the specific acts of service included in this custom would lead to the supposition that the 'corus flatha' must have dealt with the relations between the chief and the tribesmen generally. These work services included service for a hosting, building a 'dun'-fort, the redemption of a pledge (probably that given by the chief for the tribe), for a meeting for attack or defence, for serving God, assisting in the work of the Lord, &c.

The services embraced in this list cannot be confined to those who stood in the relation of 'daer'-tenancy to chiefs; they are obviously the duties which would fall upon all the members of the tribal community.

There is no information given as to the mode in which the performance of the service to be rendered could be enforced. The only penalty mentioned is what may be considered as a partial *diminutio capitis*, viz., that the person who did not fulfil the law of service should not have full 'dire'-fine; thus a failure to perform the duties incident to the position of a member of a community would degrade the guilty party so as to cause the damages payable for injuries to himself to be proportionably diminished.

There are no means furnished by the text or commentary of ascertaining the amount or frequency of the services to be rendered under the 'corus flatha.' The actual amount and nature of such services must have fluctuated with the custom of each territory, and their character is such that they must have been most uncertain in their incidence. In a primitive community no attempt is made to reduce such matters to certainty, or to calculate their amount; in such a society that which is universally believed to be the custom is performed under the pressure of general public opinion, without inquiry or calculation. In the present tract scanty allusion is made to the customary laws defined as the 'corus fine' and 'corus feine.'

The portion of the tract which has been hitherto considered is, in the point of view of the compiler, distinguishable from the subsequent part.

The first part is intended to deal with purely customary law, the origin of which is not referable to any person or time; the latter portion of the tract, dealing chiefly with the rules connected with ecclesiastical establishments, must have been felt to have had an origin, and is naturally attributed to the period of the introduction of Christianity. "Every law which is here (*i.e.* in the preceding portion of the tract) was binding until the two laws were established. The law of nature was with the men of Erin until the coming of the faith in the days of Laeghaire, son of Nial. It was in his time Patrick came. It was after the men of Erin had believed Patrick that the other two laws were established—the law of nature and the law of the letter."* What were the ideas of the writer of the text as to the origin and meaning of the law of nature it is not easy to discover; but the following is suggested as a probable explanation. In early societies men do not obey the commands of the law, but rather conform their conduct to the immemorial usage and habit of the community. The next step in legal development is the half-inspired declaration of some judge, embodied in the form of a judgment, upon an individual case; and such a decree or specific command is considered as a leading authority morally binding upon subsequent judges in similar cases, and imagined ultimately to represent the law as it existed at the date of the original decision.

In the Irish tribes there existed an hereditary caste, which, in some manner unknown to us, had acquired the exclusive right of arbitration in the cases which disputants, either voluntarily or under the pressure of public opinion and custom, submitted to their decision. The condition of society among the Irish tribes was such that a very large proportion of leading cases would be handed down in the hereditary legal caste, and very many such authorities would be traditionally preserved. It is evident that very many of the paragraphs in the commentaries upon the text in this volume are summaries of such decisions, written in under the preceding paragraph of the text as the title to which they are referable. The term "law of nature" must have been introduced after the introduction of Christianity. It is evidently a translation of the *jus naturale* or *jus gentium*, which, in the fourth century, was used in the later sense of a law founded upon abstract moral principles. The authors of the glosses clearly saw that what was meant by the Irish term (ꞃechꞇ aıcnıᵹ̆) was very different from the received meaning of the Latin words, and they explain it as the law "of the just men," and again as the law "of the Brehons Moran, and Fithal, &c.," i.e., the mass of prior decisions preserved among the Brehon class as leading cases. An hereditary caste of lawyers must have from an early period distinguished between the two distinct bases upon which cases were to be decided, the decisions traditionally handed down, and (to some extent) generally applicable, and the local customs, to be proved in many cases as matters of fact. Thus, even at the introduction of Christianity, the double character of the law may have attracted observation. Upon this mixed body of local custom and leading cases there was superadded, on the introduction of Christianity, what is described as "the law of the letter."

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* Pages 27, 29.

There is no trace that any new legislation, either derived from Roman sources or founded upon specially Christian morality, was introduced by Patrick; on the contrary, the traditional tribe-law became the ecclesiastical law, and the Roman ideas of Christian organization were wholly unknown in the Irish Church. All that is attributed to

Patrick is the rejection of that portion of the pre-existing law which was inconsistent with the new religion, and, further, a collection of the native laws as they then existed. But although no new laws were systematically introduced, a large body of new law must have arisen.

The rules with reference to ecclesiastical establishments, although modelled on the old tribe-law, were manifestly new. The rights of the Church, the succession to ecclesiastical dignities, the relations of the tribe of the saint and the tribe of the land, &c., produced a fresh body of customary law, evidently distinguishable from the old custom, and specially connected with ecclesiastical bodies. This may be considered to be what is meant by the law of the letter, not because it was at any time enacted or published as a new written law, but because Christianity, with which the laws of ecclesiastical bodies would be confounded, was regarded as the religion of "the book," not of any particular book or books, but as intimately connected with the introduction of books and writing into the island.

The uncertain nature of the text of such a document as that under discussion is clearly shown by the contents of the original text in pages 1 to 27. The text asserts that "every law, which is here, was binding until the two laws (of nature and the letter) were established;" nevertheless, in the preceding portion of the text there are numerous references to institutions necessarily subsequent to the introduction of Christianity, "e.g. tithes, first fruits, abbots," &c. The compiler of the text must have been guilty either of great carelessness in adopting the cotemporary form of the custom as descriptive of the customary law before Patrick, or the text of the old custom has been from time to time largely interpolated. Both causes may have acted together. The old traditional formulæ would be altered by references to institutions of later introduction, and the compiler may have adopted the text then current in its altered state.

The text sets out in the next place the reciprocal rights of the Church and the people; the Church is bound to perform its obligations toward the people, the people to fulfil their services to the Church. The rights and obligations on both sides are based, not upon an assumed contract, but upon the performance of reciprocal duties.

If the laity fulfil their duties toward the Church, the latter is bound to perform the rites of baptism, communion. and the requiem, and "offering from every church to every person after his proper belief, with the recital of the word of God to all who listen to it and keep it." The members of a monastic community were also bound, for the benefit of the laity, to preserve their respective proper positions, so that the offerings of the laity might be legal.

The rights of the Church as against the people are declared to be—(1) tithes, (2) first fruits, and (3) firstlings, which were due to the Church from her subjects.

Tithes are generally supposed to have been introduced into Ireland by the Council of Cashel in 1172; but the third canon of that council directs, not that tithes should be paid to the Church by the laity, but "that all good Christians do pay the tithes of beasts, corn, and other produce to the church of the parish in which they live." By this canon, tithes may have been first introduced; or it may treat them as a pre-existing right of the Church; in which case the reform intended to be effected was either that all the laity should pay tithes, or that the tithes of all the laity should be paid to the churches of the parishes in which they lived. The latter practice had been then lately established in England; but though the form of the canon is English, the text of the present tract leads to the supposition that the extension of tithes to all the laity may have been the chief object of the Irish canon. That tithes as a legal obligation were introduced in the time of Patrick as part of the law of the letter is most improbable. The canonical duty of paying tithes first appears in the decrees of some of the French councils of the sixth century. The legal, though yet only occasional, payment of tithes appears first about the close of the Merovingian dynasty. The clergy first obtained on the Continent a legal right to tithes by the Carolingian Capitularies of A.D. 785. Tithes, in the ordinary sense of the word, could not have been introduced into Ireland in the time of Patrick—probably not before the eighth century. It may be asserted with equal confidence that the Irish Church was never reformed upon the continental model before the twelfth century, and that its ecclesiastical system, as it existed prior to that date, was of native development. We must not overlook the possibility that the portions of the Brehon Law Tracts which deal with the question of tithes may be comparatively modern. But although the date of the Brehon Tracts, in their present form, is probably much later than that attributed to them, it is impossible to bring the text down to a date at which the rules as to tithes, if first introduced in the twelfth century, had passed into customary law. The difficulties on the point may be met by the supposition that the origin of tithes in Ireland was independent of their canonical or legal establishment on the Continent, and that the character of the tithes and that of the persons by whom they were paid were different. Tithes were possibly founded upon the assumption that the ordinances of the Levitical Code were of universal obligation, and that, when the Christian Church and its priests were once established in the position occupied by the Temple and Levites, tithes, by the divine law, became payable to the clergy. Such ideas had been embodied in the decrees of councils in the sixth century, and it is, therefore, probable that they were not unknown to the early Irish Church, which in its origin appears not to have been free from Gallic influence. The establishment of the Church in the place of the Levites may not improbably have been an idea familiar to the mind of the early missionary.*

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* That the rights of the Church to tithes were asserted in the sixth century, but the tithes themselves were not regularly paid, appears from the following passages:—

"Leges divinæ, consulentes sacerdotibus ac Ministris Ecclesiarum, pro hæreditatis portione omni populo præceperunt Decimas fructuum suorum locis sacris præstare, ut nullo labore impediti, horis legitimis spiritualibus possint vacare ministeriis. Quas leges Christianorum congeries longis temporibus custodivit intemeratas. Nunc autem paulatim prævaricatores legum pœne Christiani omnes ostenduntur,

In reference to this subject, it is necessary first, to examine the text with the object of ascertaining what was understood by the payment of tithes, and then, to consider whether, in the first establishment of the Church, there were or were not circumstances which might have led to the institution of such tithes as are referred to in the text. The text runs:—"The right of a Church from the people is tithes and first fruits and firstlings; these are due to a Church from her members" (i.e. according to the gloss, from her subjects). Tithes, first fruits, and firstlings, are here classed together as equally claimed by the Church.

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dum ea quæ divinitus sancita sunt, adimplere negligunt. Unde statuimus ac decernimus ut mos antiquus a fidelibus reparetur, et Decimas Ecclesiasticis famulantibus ceremoniis populus omnis inferat, quas sacerdotes aut in pauperum usum, aut in captivorum redemptionem prærogantes, suis orationibus pacem populo et salutem impetrant. Si quis, autem contumax nostris statutis saluberrimis fuerit, a membris ecclesiæ omni tempore separetur."—(*Concil. Matisconense*, II., cap. 5: *Bruns.* "*Can. Apos. et Con.*," vol. ii., p. 250, *A.D.* 585).

In the letter of the Bishops of the diocese of Turin to their flocks, A.D. 567, the people are exhorted, "ut unusquisque ad exemplum Abrahæ Decimas offerat de suis *mancipiis*," &c.

In the decree of the Council above quoted the sanction by which the payment of tithes was enforced was purely ecclesiastical, but the payment was afterwards enjoined by the civil law. By the Capitularies of Paderborn, A.D. 785, Charlemagne enacts:—"Similiter secundum Dei mandatum præcipimus ut omnes decimam partem suis ecclesiis et sacerdotibus donent, tam nobiles quam ingenui, similiter et liti."

If the distinction between the establishment of the ecclesiastical custom and its enforcement by the civil law be borne in mind, much of the difficulty as to the date at which tithes were established will be removed. The gradual development of the law as to the payment of tithes is fairly stated by Dr. Milman: "Already, under the Merovingians, the clergy had given significant hints that the law of Leviticus was the perpetual and unrepealed law of God. Pepin had commanded the payment of tithes for the celebration of peculiar litanies during a period of famine. Charlemagne made it a law of the empire; he enacted it in its most strict and comprehensive form, as investing the clergy in a right to the tenth of the substance and of the labour alike of freeman and serf."—(*Milman's* "*Latin Christianity*," vol. iii., p. 86.)

The origin of tithes in England is usually attributed by the English historians to the supposed grant of tithes by Æthelwulf, A.D. 854 or 855; but there is no doubt that they were claimed by, or paid to, the Church long prior to that date.

By some writers they are referred to a synod held A.D. 786, which is alleged to have been confirmed by a law of Offa, but no such law is in existence. The latter date may be adopted as that at which a distinct canon of the church

Here the rights of the Levites are adopted in a fulness not found elsewhere, and not borrowed from any of the

enforced as obligatory what before had been a customary, although voluntary, payment.

Whether the Penitential of Theodore, who was Archbishop of Canterbury from A.D. 668 to A.D. 690, was or was not the work of its alleged author, it is quoted by Archbishop Ecgberht of York, who held that see from A.D. 734 to A.D. 766, and, therefore, represents the opinions of the Church in the first half of the eighth century.

In the Penitential of Theodore (*Councils, &c., of Great Britain*, Haddan and Stubbs, vol. iii., p. 203), there is the following passage:—

"9. Tributum ecclesiæ sit, sicut censuetudo provinciæ, id est, ne tantum pauperes inde in decimis aut in aliquibus rebus vim patientur.

"10. Decimas non est legitimum dare nisi pauperibus aut peregrinis, sive laici suas ad ecclesias."

In the Report of the Legates to the Pope Adrian I., A.D. 787, among the rules delivered to the English to be observed occurs the following:—

"XVII. De decimis dandis sicut in lege scriptum est 'Decimam partem ex omnibus frugibus tuis seu primitiis deferas in domum Domini Dei tui.' Rursum per Prophetam; 'Adferte,' inquit, omnem decimam in horreum Meum, ut sit cibus in domo meâ; et probate me super hoc, si non aperuero vobis cataractas cæli, et effudero benedictionem usque ad abundantiam; et increpabo pro vobis devorantem, qui comedit et corrumpit fructum terræ vestræ; et non erit ultra vinea sterilis in agro, dicit Dominus.' Sicut sapiens ait; 'Nemo justam eleemosynam de his quæ possidet facere valet, nisi prius separaverit Domino, quod a primordio Ipse Sibi reddere delegavit.' Ac per hoc plerumque contingit ut qui decimam non tribuit ad decimam revertitur. Unde etiam cum obtestatione præcipimus ut omnes studeant de omnibus quæ possident decimas dare, quia speciale Domini Dei est; et de novem partibus sibi vivat, et eleemosynas tribuat, et magis eas in absconditis facere suasimus, quia scriptum est, 'cum facis eleemosynam, noli tubâ canere ante te.'"—(*Councils, &c., of Great Britain.* Haddan & Stubbs, vol. iii., p. 456.)

The gradual growth of the law of tithes is indicated by the statement in the Anglo-Saxon Chronicle of the donation of Æthelwulf, A.D. 855—"This same year Æthelwulf booked the tenth part of his land throughout his realm, for God's glory and his own salvation."

Theodore's Penitential proves, in the seventh or the commencement of the eighth century, an assertion by the Church of the moral duty of the payment of tithes by the laity. The canonical obligation to pay tithes is established by the Legates in A.D. 787. The personal duty is recognised by the King in A.D. 855. The legal obligation to pay tithes is at length recognised in the Code of Edward the Elder and Guthrum, A.D. 901—"If any one withhold tithes, let him pay 'lahslit' among the Danes, 'wite' among the English."

So fluctuating, however, was the mode in which the obligation to pay tithes was regarded that in the laws of Edward and Guthrum (*cir.* A.D. 901) the non-payment of tithes entailed civil penalties (sect. 6), but in the laws of King Edmund (A.D. 940–946) the payment of tithes was enforced by an ecclesiastical sanction only (sect. 2).

European nations, who were sufficiently unwilling to pay the tithes alone. The meaning of the right to firstlings is first explained in the following paragraph. They are—"Every first, *i.e.* every first birth of every human couple, and every male child which opens the womb of his mother, being a lawful first wife; and also every male animal that opens the womb of its mother, of small or lactiferous animals in general." First fruits are described as—"First fruits are the first of the gathering of every new produce whether small or great, and every first calf and every first lamb which is brought forth in the year."

In addition to the Levitical rules as to tithes and first fruits, it would appear from this tract that an Irish church claimed as against its laity rights unknown elsewhere. Under the head "firstlings" were included the first-born of a marriage; and if there were eleven or more children of a marriage, of whom not less than ten were sons, the Church was again entitled to a second son of the marriage. The rules in the text as to this selection for the benefit of a church were as follows:—(1) the first-born, if a son, was given to the Church; (2) if the first-born were a daughter, she was the first-born, but her place was taken by the next born son; and (3) if there were ten sons other than the actual first-born, the Church had a claim to one of them; the son who fell to the Church's share was ascertained by setting aside the three worst of the ten, and casting lots upon the remaining seven. A son thus given to the Church as a first-born or a tenth, obtained as large a share of the family property as any other son, but was bound to render service to the Church for his own lands, as a 'saer'-stock tenant; in consideration of which service the Church was bound to teach him learning.*

Rights such as are thus set forth in the text were never

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* The claim of the Church to first fruits is now so obsolete, that the majority are ignorant that it ever existed. In point of date however first fruits preceded tithes.

In the Apostolic Canons it is declared, "Ἡ *ἄλλη πᾶσα ὀπώρα εἰς οἶκον ἀποστελ-*

claimed as against the whole body of the laity by any other Christian Church in Europe. It may be surmised that the text is not so much the statement of the law actually existing at any specific time, as the expression of the opinion of an early churchman as to what the ideal law ought to be. The commentary on the text, however, shows that at a subsequent period the principles laid down in the text were treated as existing law. On the other hand, there is in the commentary an absence of those leading cases which are so profusely cited upon other subjects.

The difficulties as to these claims of a church may be

λέσθω, ἀπαρχὴ τῷ ἐπισκόπῳ καὶ τοῖς πρεσβυτέροις, ἄλλα μὴ πρὸς τὸ θυσιαστήριον, δῆλον δὲ, ὡς ὁ ἐπίσκοπος καὶ οἱ πρεσβύτεροι ἐπιμερίζουσι τοῖς διακόνοις καὶ τοῖς λοιποῖς κληρικοῖς."—(*Apos. Can.*, IV. (V.), *Bruns.*, vol. i., p. 1.)

The claims of the Church to first fruits were in addition to the demand for tithes, and were the subject of canonical regulation as late as the thirteenth century, but they do not seem to have been ever enforced by the sanction of the civil law.

The following passages, collected by Du Cange, illustrate the nature of the first fruits claimed by the Church :—

"De primitiis vero statuimus, ut laici per censuram Ecclesiasticam compellantur ad tricesimam vel quadragesimam partem, usque ad quinquagesimam nomine Primitiæ persolvendam."—(*Concil. Burdegal.*, cap. 20, *A.D.* 1255.)

"De primitiis vero dicimus, et juri esse consentaneum reputamus, et sic in Nemausensi diœcesi præcipimus observari, quod primitiæ Ecclesiæ illi dentur de proventibus seu fructibus prædiorum decimæ persolvantur, cum non debeat una eademque Ecclesiæ censeri; nomine autem Primitiarum, seu pro primitiis ad minus sexagesima pars de vino et blado Ecclesiis debet solvi."—(*Synodus Nemausensis, Cap. de Decimis*, *A.D.* 1284.)

"Ut sexagesima pars offeratur eorum, quæ gignuntur a terrâ," &c.—(*Decretal. Gregor. IX.*, lib. iii., tit. 30, cap. 1.)

"Primitias eorum rerum *de quibus præstatur decima*, dari volumus per trentenam, juxta modum Ecclesiæ Carcasonensis."—(*Stat. Synod Eccl. Carcass.*, cap. 16, *A.D* 1270.)

The distinction between the first fruits of the altar and of the priest, which appears in the Apostolic Canon, still continued in the middle ages :—

"Primitias de fructibus vestris et de laboratu debetis offerre ad altare, id est, spicas novas et uvas et fava. Alias Primitias ad domum presbyteri de omni fructu debetis portare, et presbyter eas benedicat."—(*Incerti auctoris Homilia apud Baluz in app. ad Cap. Col.* 1376.)

"Omnes autem Primitias de Curtangis habebit presbyter, illis exclusis quæ veniunt ad altare, scilicet agnorum, vitulorum, porcellorum, et lanarum, quarum presbyter tertiam et monachi duas partes habebunt."—(*Chartul. S. Vincentii, Cenoman*, fol. 55.)

reconciled if the position of the early Christian Church in Ireland be carefully borne in mind. There was no national Church claiming its rights as against the collective laity; there were many independent Churches, or groups of allied Churches, which claimed specific rights as against the laity of a specific tribe living within a certain defined district. In some cases, the first convert, if the head of a clan probably with the consent of his clansmen, consented to the establishment of a Church within the territory of his tribe. Upon the common tribe land the monastic church of the saint was then erected. Upon what was originally the land of one lay tribe there were thus two tribal (or joint-stock) communities established; the tribe of the saint* or the perpetual succession of monks occupying the religious monastic establishment under the rule of the abbot, and possessing, in a *quasi* corporate capacity, a portion of the original common land; and the old lay tribe, described as "the tribe to whom the land belongs," occupying the residue of the tribe land, but devoted to the "tribe of the saint." A Church so founded must have come into contact with two classes of laity—the occupying tenants of the portion of the tribe land actually allotted to the "tribe of the saint," and the members of the "tribe to whom the land belonged," occupying the residue of the tribe land. Except under these two relations, it is difficult to see what rights a Church could claim as against the laity; and if the portion of the text of the 'Corus Bescna' which deals with the rights of a Church be exclusively confined to these two classes, no intelligible meaning can be given to the text; but if it be remembered that certain lay communities devoted themselves (*sese et familiam suam*) to the service of God in a peculiar manner, the rules laid down in the tract can be believed to have represented actually existing facts. If the early convert had devoted himself and his tribe to the Church, such a solemn dedication of an individual and his house to the special service of God created a relation wholly different from that which arose from the ordinary establishment of a monastery upon a portion of the tribe land. The convert and his clan, by their dedication of themselves to the service of God, created a relationship the precise meaning of which the original parties to the transaction may never have comprehended. It was subsequently necessary that the rights of a church against such a tribe, on whose lands it had been founded, should be defined, and then, as the only known standard, the Levitical system, with extensions and various alterations, was assumed by the Church as the explanation of its claims.

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* The phrase "tribe of the saint" is used in two distinct meanings—(1) in opposition to the lay tribe, to describe the members of the monastic establishment ('fine manach'); (2) in tracing the right of succession to the abbacy, as the lay tribe of which the saint who founded the monastery had been a member, as distinguished from the monks who were inmates of the monastery.

There may be a question whether these rights of the Church were to be exercised against the tenants occupying the portion of the tribe land allotted to the Church, or against the members of the "tribe to whom the land belongs," still occupying the residue of the tribe land, who had devoted themselves to the Church, and who were the class described as the "subjects of the Church?" It appears from the text that these rights of the Church must have been exercised as against members of the original lay tribe, and not as against its own sub-tenants. The first-born, or tenth son chosen by lot, carried out of the family stock the share to which he was entitled as a member of the family, to hold, not as his father or the residue of his brothers held, but as a 'saer'-stock tenant of the Church. Such a rule would be wholly inapplicable to the actual tenants of the Church land holding the land as 'saer'-stock tenants, and positively injurious to the Church, if applied to its 'daer'-stock tenants. The system of tithes would also seem inapplicable to the actual tenants of the Church, if the nature of the tenancies known as 'saer' and 'daer' stock be borne in mind.* If the rights of the Church stated in the text were continuously enforced against, or acquiesced in by, the entire lay tribe, the members of the tribe must have gradually been converted into 'saer'-tenants of the Church; and, as

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* Vid, Senchus Mór, vol. 2, Preface, pp. xlvi.–liii.

'saer'-tenants would have been bound to forty nights' service to the Church. All the first-born and tenth sons, though retaining their character as free, must have sunk into vassals of the Church, and the tribe "to whom the land belonged" might be described as the family of the patron saint.

How far, if at all, the claims of the Church were generally enforced, it is not necessary here to inquire.

The duty that gifts should be given by the various classes of the laity to the Church, and the amount to be given by each class in proportion to its dignity, are the subject of the next section of the text. After detailing the amount of the gift to the Church from each grade of the laity, the text concludes—"But the 'comharbas' are not alike; the 'comharba' who sells and buys not; the 'comharba' who neither sells nor buys; the 'comharba' who buys and sells not." The title of 'comharba' is usually referred to the person who, as the representative of the original saintly founder of a monastic house, represented the society formed jointly of the tribe of the saint and the tribe to whom the land belonged. Is it possible that the term should be used in this sense in the present text? Are the class of 'comharbas' in this section distinguished from the several ranks of chiefs previously mentioned, or are they some general class in which the former are included? The three divisions of 'comharbas,' specified in page 43, would seem to be identical with the three divisions of persons of all grades in page 45; and the text in page 49, seems merely an application of the general rule to the case of a 'boaire'-chief. It is further evident from the commentary at the foot of page 47, that the rule primarily laid down as to 'comharbas' was applicable to every man who possessed land over which a disposing power was acknowledged to exist. It may therefore be presumed that the extension of the term 'comharba' is greater as it is used in the text than it is in its ordinary use. No objection to any such extension of the word arises from its derivation or original meaning. The word has no peculiar connexion with things ecclesiastical, and being derived from the words 'comh' (with) and 'orba' (land), signifies one who represents a joint possession in land. If taken in its primary meaning, it signifies one who is the legal owner of property in which others than himself claim or have an interest. If such be the meaning of 'comharba,' it is equally applicable to the representative of the joint religious and secular tribe, the chief holding the tribe land as the head of his clan, and the paterfamilias, whose proprietorship is bound by a trust more or less extensive, for the members of his family. The rules laid down in the commentary are referable to all persons holding these various legal positions.

The general principle which runs through this portion of the tract is, that the legal owner of property in which others have an interest is, for the benefit of those interested, restrained in the exercise of his powers of ownership. How far the head or representative of a family could alien his lands, was a question of importance when no strict rule of hereditary succession or primogeniture had been established; it was necessary then to lay down some rule according to which the exercise of ownership by the head or representative of the family might be reconciled with the rights of the junior members.

In such cases two distinctions are made—(1) between the disposition of property handed down by the previous owner to the existing head of the family, and (2) between legal and illegal dispositions, by the head of the family, of the property which he might possess. Thus in early English law the power of alienation by the owner was different in the case of what was then defined as *hereditas*—land which had descended by inheritance—and *quæstus*, land acquired by purchase. In the case of 'hereditas,' the owner might alienate *in remunerationem servi sui* or *in eleemosinam*, but not otherwise; in the case of 'quæstus,' the owner might alienate for any purpose, but not to such an extent as to disinherit wholly his son and heir. If a man possessed lands both by inheritance and purchase, he might alien all those held under the latter title, and retain his right to dispose partially of the land received by inheritance, in what was considered as a reasonable manner and to a reasonable extent. Excluding the idea of heirship, the same principle is adopted by the Brehon law in the present tract.

"He who has not sold or bought is allowed to make grants, each according to his dignity. He who buys and has not sold is capable of *making* grants as he likes out of his own acquired wealth, but *only if* he leaves the property of the tribe intact, or a share of other land after him for the augmentations of the tribe" (page 45).

"He who sells *out* and does not buy *in* is not capable, or, *according to others*, is capable of *making* grants, provided he has not sold *out* too much" (page 45). Again—"It is lawful for the 'boaire'-chief to make a bequest to the value of seven 'cumhals' out of the acquisition of his own hand, but *only if* he leaves two-thirds of his acquired property to the original tribe" (page 49).

"No man should grant land except such as he has purchased himself, unless by the common consent of the tribe, and *that* he leaves his share of the land to *revert to* the common possession of the tribe after him" (page 53).

It must be borne in mind that the text deals solely with alienations in favour of the Church; and with reference to such gifts, the law lays down that as to inherited property, the power of alienation for this purpose is limited by a maximum; as to acquired property, there is an unlimited power of alienation. It is impossible to reconcile the commentary with the text; but the variance between them is not in the principle, but in the details of its application. It was the duty of the representative of a family or joint ownership to preserve the *corpus* of the property for the benefit of all interested therein; but in view of ordinary contingencies, it was obviously impossible to maintain it constantly in the same unvarying condition; the representative of the family or association necessarily had a power of alienation for the benefit of all, which might be exercised more or less prudently.

Hence follows the distinction between "necessary" and "unnecessary" alienations. Unnecessary or improvident alienation, though for the benefit of the community, restricted the power of the representative of the community to alien for his own benefit. The rules in the commentary upon this subject are evidently added by different hands, and are naturally inconsistent; but the meaning and design of all are the same. The commentary commencing in page 47 plainly refers to the power of disposition over inherited lands possessed by the head of a family (whom the commentator included under the term 'comharba'). According to it the property of any such person was divisible into three portions, viz., the share (1) of the tribe, (2) of the chief, and (3) of the Church. His power of alienation could be exercised only as against the third of the tribe, and for certain specific purposes, viz., in contracts and covenants, in gifts for the health of his soul, and as tenancy to a lay chief. By the tribe share must be understood the share to be transmitted to the aggregate body which he represented—his family in the original sense of the term; by the share of the chief it may be intended that one-third of his lands would, on the death of the owner, lapse into the general stock of the tribe; what rights were taken by the Church in the remaining third it is impossible to conjecture. This statement as to the power of the head of a family to alien is followed by the rule as to the power of alienation of a woman over her 'cruib'-land[*] or 'sliasta'-land[†]; in this case also the tribe, or rather family, had a right to one-third, but the remaining two-thirds were subject to her power of alienation arising from her cultivation of the inherited land. As to acquired property, a distinction was drawn between the case in which the means of acquiring additional property arose from the industry of the owner, and the produce of the land in the ordinary course of husbandry; the power of alienation naturally being greater in the former than in the latter case. Property acquired by the exercise of an art or trade was placed in almost the same position as property the result of agriculture; two-thirds of it were alienable; but in a state of society in which the exercise of particular arts and professions were caste privileges, the profits of any such social monopoly were naturally distinguished from those acquired solely by individual ability, and therefore the emoluments accruing to any man by the exercise of "the lawful profession of his tribe" were subject to the same rights for the benefit of the tribe to which he belonged as ordinary tribe land.

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[*] From cꞃoḃ, the hand.

[†] Derived from "ꞅliaꞅaiꝺ", the thigh, or loins.

It may be remarked, that in this very interesting portion of the tract the commentary rather obscures than elucidates the text. The original rules are simple and consistent, and analagous to those which in other countries, *e.g.* England, treated of property similarly situated. If the rules laid down in the commentary are aught else than speculative, they must have involved the alienation of property in questions of account which would in any, and especially a primitive state of society, have rendered any alienation practically impossible. As to the commentary which commences in page 47 (already referred to), it is to be desired that some evidence could be discovered to prove that such a scheme for the devolution of property upon the death of the owner was ever practically enforced.

The real spirit of the law in its original simplicity, and the objects which it was designed to effect, are best shown by a subsequent passage of the original text:—

"The proper duties *of one* towards the tribe are, that when he has not bought, he should not sell; * * although he be not wealthy, but that he be not a plunderer of the tribe or land. Every one is wealthy who keeps his tribe land perfect as he got it; who does not leave greater debt on it than he found on it" (page 55).

Among the forms of alienation previously mentioned as sanctioned by law was included an alienation for the future maintenance of the donor. In a state of society where there was no means of investing savings, and little security for those unable to protect themselves, it was an obvious expedient that the old or feeble should make over their property to another upon the condition of being maintained during their life. The transaction was the same as the purchase of a life annuity from the Government or an insurance company.

Such arrangements were carried out in two modes; the owner of property might retire from the headship of his family, permitting his son or heir to succeed him upon the condition of maintaining him during life, or he might purchase from a monastic church a right to reside in its buildings and feed with its inmates. Rights of life maintenances of the kind were sold by the Church until a late period, under the name of corrodies—a business in which the Templars embarked largely.

If a father transferred his property to the son upon the condition of the son's maintaining him, and, as a consequence of the transaction, the headship of the family passed to the son, the relative position of the parent and son would be reversed, and the father would be placed in the hand or under the power of the son. Between both would exist the reciprocal obligation to keep the capital stock unimpaired; the son could annul previous contracts of the father, injurious to the property, and the father could prevent the son diminishing the fund charged with the burden of supporting the father during his life. "A son who supports his father impugns every bad contract of his father's; he does not impugn any good contract. So is the father in relation to the son who supports him; he impugns every bad contract; he does not impugn any good contract" (page 57). If the son failed to fulfil his contract to support his father, the rights of the father as against the son were as follows:—The property given by the father to the son may be treated either as having been given upon a condition, or as having been given subject to a charge for the stipulated maintenance. The latter view is adopted in the text in page 53—"The father may remove a son who does not maintain him from his land, and give his land to one who maintains him, until the value of a man is got out of it." The land pursuant to this rule would stand charged with a sum for maintenance fixed at what was the legal price of the father's life according to his rank in society. The former view of the father's rights is stated in the text in page 57—"Not so the son who does not support his father; he does not dissolve any good contract or any bad contract of his father's. Not so the father in regard to the son who does not support him; he sets aside every bad contract and good contract of his son's, if he has by notice repudiated the contracts of his son, that all might know it. The 'seds' of his son are forfeited to him wherever he seizes them. Whatever the son has obtained from others in exchange is forfeited;" *i.e.*, the father re-enters upon his property as upon condition broken.

If land were aliened to a monastic church as the consideration for a life maintenance, the respective rights of the Church and the tribe in the land required to be adjusted. The tribe might claim the succession to lands after the death of the owner, but was at the same time bound to support any tribesman who required assistance. If the profits of the land during the life of the former owner had been insufficient to indemnify the Church against the expense of his maintenance, the tribe, if absolutely entitled to the succession, might at once take the benefits, but repudiate the obligations arising from the tribe relation. A rude compromise was struck by the rule that, on the death of the former owner, the land aliened by him to the Church for his maintenance was charged in favour of the Church with a sum varying with the ability of the tribesmen to have maintained him—one-half of the actual expenditure incurred in his maintenance if the tribe were able, one-third if unable, to fulfil their duty.

From page 59 to the end of the tract the original texts are wholly fragmentary, being, in most cases, simply the catch-words to the rules which were well known by the compilers; from the same page also the arrangement of the subject-matter is confused and inconsecutive.

The rules as to the rights of fathers against sons who failed to support them are followed by the unintelligible text—"His 'eric'-fine and his bequest," which, from the commentary annexed, appears to have been introduced from a tract on criminal law.

Next follow a short text and commentary as to the liability of those who entertained fugitives for the crimes committed by them, which portion is equally unconnected with the general subject of the tract. This is succeeded by a very defective text and commentary as to the liability of a son to support his mother. There are, as if a portion of the commentary upon the last-mentioned text, six lines of verse specifying the six classes of sons who are not bound to honour their fathers. This fragment is probably a relic of the purely traditional rules transmitted by memory only, which preceded the construction of any written text. The passage is possibly introduced in continuation of the rules as to the support of a father by his son, and the three intermediate fragments of text and the commentaries on them may be treated as an interpolation.

The remainder of the tract deals with questions of ecclesiastical law, as far as such a term is applicable to rules which have no connexion with ordinary canon law. The two first fragments of text refer to the rights of a church over its members. The monastic churches were bound together in certain understood relations to each other, not because the inmates were of a common order, but by the assumption of kinship as between the institutions themselves. The 'ecluıꞅ' (*ecclesia*) was a large monastic church establishment, as contrasted with the 'cıll,' or a smaller church (*cella*). The 'cill'-church does not appear to have been a dependent upon the larger establishment in the sense in which the term *cell* was adopted in the English use. A monastic church might stand towards any such other church in the relation of an 'annoit'-church, a 'dalta'-church, or a 'compairche'-church. An 'annoit'-church was that in which the patron saint had been educated or in which his relics were kept; in other glosses it is explained as equivalent to the idea of a mother church, as the church from which the original founder of the church in question had come. A 'dalta'-church was one founded by a member of the same community as the founder of the church in question; a "sister church," if the term be permitted. A 'compairche'-church was one under the tutelage of the same saint. The members of the church tribes of churches thus related had certain rights of succession to each other, or peculiar rights in the property of their members.

The text and commentary in page 65 treat of desertion from an original church. It is not clear who are the persons whose desertion is contemplated by the rules in question. The author of the gloss in C. 834 explains the term "desertion" as referable to the conduct of monks who, not valuing their condition as monks, went away from their church; but the commentator contemplates the contingency that the person who had so deserted his church might die leaving issue to succeed him—an idea inconsistent with the celibacy which was inherent in the early Irish Church; and in the next section of text and commentary (p. 67) the same rules as those contained in the paragraph treating of desertion are applied to a class which includes tenants of church land. Desertion is declared to be allowable in seven cases of necessity. From the commentary it is evident that by the term desertion was not meant merely the abandonment of the original church, but a removal or exchange from a church to another standing in the "annoit" or "dalta" relation to it. In the case of "necessary desertion" to an 'annoit'-church, if the person who has so abandoned the original church died at the 'annoit'-church, two-thirds of his 'ceannaighe'-goods reverted to the original church, one-third only remaining with the 'annoit'-church in which he died; if he had left the 'annoit' and proceeded to a 'compairche'-church and died there, his 'ceannaighe'-goods would be divided in similar proportions between the original church and the 'compairche'-church. The rights of the original church did not cease with the division of the 'ceannaighe'-property of its former member, but, although in a decreasing ratio, affected the similar property of the two first generations of the descendants of the deceased. It may be conjectured that the next generation would be wholly discharged from the claims of the church of their ancestor of the third generation, and that the church in whose district they resided would then be considered as their original (or native) church.*

The next section treats of the mode in which the land of a church tenant who has been "forfeited" is divisible. The meaning of the text is very obscure; but it contemplates the possibility of a tenant of the church being given over to some external body or tribe, as a pledge for the payment of the damages for a wrong of which he is guilty. Such a pledge would be forfeited unless redeemed by the Erenach (or *Œconomus*) of the monastic church within a fixed period, and he would appear to have taken out with him his land, "if the Church advised that land should be given him." Against the land of the man thus forfeited and his son, the original church had a claim as in the case of a member who had deserted. The rights thus exercised by the remaining members of the community over the property of those who, in some manner, voluntarily or otherwise, had gone out of the monastic church body, do not imply that the condition of those whose property was subject to such rights, was of a servile condition. These rules exhibit the difficulty with which, in the early form of society, the member of a tribe or association could sunder himself from his fellows, or carry his share of property out of the original stock.

This *solidaritè* existing between the members of a tribe is further illustrated by the commentary in page 69, which seems to have no immediate connexion with the text, except the reference in the latter to the distinction between acts of necessity, *i.e.*, "crimes of inadvertence and unnecessary profit," and of non-necessity—"intentional crime and such as was not deserved *by the injured party*." The fines payable in respect of either class of crimes, upon the failure of the property of the criminal himself, were payable by his tribe, "as they divide his property." The only difference in the mode of treating the two classes of crimes was that in the case of a crime of non-necessity, the criminal himself was given up, with his cattle and his land, to the injured party.

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* There appears to have been an exception to these rules in the case of a pilgrimage, which was included among the seven "necessary desertions;" for the commentary in page 73 states:—"If his soul's friend has enjoined upon him to go on a pilgrimage after the murder of a tribe-man, or murder with the concealment of the body. If it be after consulting his own church that he has gone on a pilgrimage, whether he has left 'ceannaighe'-goods or not, whatever he leaves to the church to which he goes, be it ever so much, is *due* to it. If, however, he has not consulted with it (*his own church*), his 'ceannaighe'-goods, if he has any, *due* to his original church."

If a child was "offered to a church for instruction," the church acquired an interest in him as a future member; and if the father removed his son from the church to which he had been offered, the church was entitled both to payment for his fosterage and to honor-price and body-fine; and thus the removal of the student from the institution was treated as equivalent to the death of one of its members. The amount of the compensation payable to the church would naturally depend, not so much upon the rank of the student, as on that of the church itself, and therefore there was a distinction drawn between the amount payable to a noble church and to a 'cill'-church.* It is difficult to understand what is the meaning of the commentary—"His land, moreover, along with himself, *are due* to the church from which he is taken, unless he is ransomed from it." There is no means of ascertaining how far a student, upon taking monastic vows or ordination, carried into the church the property of which he was possessed; and it seems very improbable that his rights in tribe land should be transferred to an ecclesiastical or monastic body. It appears that, if a student were killed, his body-fine was paid, not to the church, but to the tribe; but "the *lay* chiefs shall not obtain anything of what the 'cain'-law adds *to the body-fine*." The text upon this passage in the commentary is—"Chieftains shall not come against the church;" and the meaning may be, that the church received whatever compensation would, under the 'cain'-law, have been payable to the chief, if the slain had been a layman. This rule of the Brehon law is illustrated by the fifth paragraph of the decrees of the Council of Cashel (A.D. 1172), viz.:—"In the case of homicide committed by laymen, when it is compounded for by the parties, none of the clergy, though kindred to the perpetrators of the crime, shall contribute anything," &c. (*Girald. Camb. Ex. Hib.*, chap. 35.)

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* The act of a father, who reclaimed his son from the church, was similar to the claim by the adulterer against the husband of the mother for the possession of the person of an adulterine bastard. The rules of law applicable to both cases were identical. The law of adulterine bastardy is treated at length in the subsequent introduction to the Book of Aicill.

The priest or monk did not, by entering into orders, escape from the liabilities arising from the tribe relationship; and, similarly, it was the tribe, and not his church, to which the compensation for his death was payable. As the church acquired certain rights in the student whom it educated, so it incurred the correlative duty of supporting and instructing him. In the case of the death of a student, "if it was it (*the church*) that did not feed him after knowledge *of his hunger*, it will be body-fine or honor-price, or full fines and costs, *that will be due*." There is a distinction drawn between the student's "own church" and a strange church. The former term evidently expresses the relation which existed between a church established upon the land of a tribe and the lay members of the tribe. It possessed the right that such of the lay tribe as took orders should enter into its body. "If he (*the son to be educated for the ministry*) has been offered to his own church for instruction, and for being in the service of God therein, and she did not receive *him, and he then is educated in another church*, he is forfeited by her (*his own church*) to the church that has educated him, until his original church pay the price of his education." On the other hand, "his own church" educated the student on better terms than could be obtained elsewhere, "If his father does not offer *him* to his own church, it is the father that shall pay the expense of his education."

The remainder of the tract, from page 73 to the end, deals with the law of succession to an abbacy, which, as a free election of the abbot by the monks was unknown to the early Irish monastic system, involved numerous complicated rules to determine the respective rights of the Church and the lay tribe. To understand these rules, it is necessary to bear in mind the mode in which the early Irish monasteries were established and endowed, of which we have an example in the account of the founding of the monastery of Armagh in the life of St. Patrick. The chief, representing the tribe, gave to the saint a portion of the tribe land for the foundation of a monastery. The gift was made out of the land of the tribe, to the saint personally, and for a definite object. The transaction was quite different from the gift of land to a monastic corporation. The saint, and not the corporate body, was the original grantee. The lay tribe, the original owners of the land, parting with their land for a specific purpose, retained their property in the land subject to its being used for the purpose to which it had been originally devoted, and possessed certain rights against the Church, (viz., that the divine services should be performed, and education given to students of the tribe, &c.,) and the right of succession to the abbacy in certain contingencies.

The abbacy on a vacancy passed to the tribe of the patron saint (the founder) "as long as there shall be a person fit to be an abbot of the *said* tribe of the patron saint; even though there should be but a psalm-singer of them, it is he that will obtain the abbacy." By the tribe of the patron saint must here be intended the tribe of which he himself had been a member, and not the artificial monastic tribe of which he had been the head; for the tribe of the saint might forfeit their privilege by neglect to claim during the time of prescription. In default of any person of the tribe of the saint fit to succeed to the abbacy, the right of succession passed to the tribe upon whose tribe-land the monastery had been established, subject to the condition that if there should be any member of the tribe of the saint *better* qualified, he should be substituted for the abbot of the tribe to whom the land belonged. If the patron saint or founder had been a member of the tribe to whom the land belonged, he was described as being on his own land. The right of the tribe of the saint was claimed through the founder, for he could release the rights of his tribe to the succession in favour of the tribe to whom the land belonged; in which case the order of succession was inverted, the tribe of the saint taking next after the tribe to whom the land belonged. In the same manner, if the tribe to whom the land belonged acquired by prescription the right to the abbacy as against the tribe of the saint, the right of the latter was only postponed, not extinguished. If no fit person of the two first classes were found, the succession passed to the "fine-manach," or monk tribe who occupied the monastery, subject to a similar condition in favour of the two preceding classes. The right to the abbacy, in the absence of any fit person of the three preceding classes, passed successively to the 'annoit'-church, a 'dalta'-church, a 'compairche'-church—the several religious establishments bound to the church in question by the artificial ecclesiastical relationship before alluded to. All parties having claims to the succession being exhausted, a neighbouring 'cill'-church might supply the vacancy; and in the extreme case of no fit person being found in any of the above classes, a "pilgrim," *i.e.*, any qualified person arriving on the spot, was entitled to assume the abbacy, as a "general occupant." Although any member of the tribe of the saint, or of the tribe to whom the land belonged, if more worthy than the abbot belonging to the classes lower in the scale, might displace the abbot in actual possession, it does not seem that any of the other classes exercised this right against those lower in the scale than themselves. When the abbacy passed to any class inferior to that of the "fine-manach," the rights of such an abbot must have been much restricted; for, "while the wealth of the abbacy is with an 'annoit'-church, or a 'dalta'-church, or a 'compairche'-church, or a neighbouring 'cill'-church, or a pilgrim, it (*the wealth*) must be given to the tribe of the patron saint, for one of them fit to be an abbot then goes for nothing."*

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* In the case of an abbey founded by a foreign saint, *e.g.* St. Patrick himself, there would not exist any tribe of the saint; the tribe, upon whose land the monastery was founded, would, therefore, possess the primary right to the abbacy. The succession to the abbacy (or archbishopric) of Armagh is thus explained, without the supposition that the rights of the church were invaded by the members of the lay tribe.

An abbot of any of the four inferior grades was obliged to bring in his property in some manner for the benefit of the monastery; "he shall leave all his legacy within *to the church;*" and the pilgrim at least was bound to give security on his entering into possession, and was subject to damages.

A distinction is drawn between a church founded by a saint and a 'cill'-church of monks. In the latter case the monastery may have been founded by, and the grant made to, several monks at one time, as joint tenants. In such a church there could be no founder's tribe, and the artificial monk tribe took the first place in the order of succession.

As to the mode in which the abbot should be selected out of the members of the class to which he belonged, there is no information given. From the last section we learn that "the order of the succession by lot shall not devolve upon the branching tribes when there is a person better than the others;" it may be hence assumed that where no such marked superiority existed, the choice by lot was not unknown.

These rules of succession to an abbacy explain the constant succession of abbots sprung from the tribe "to whom the land belonged." The enjoyment of the office of abbot by members of the lay tribe is shown, not to have been an usurpation by the laity upon the monastic body, but the legitimate exercise of a legal right, resembling the right of nomination to a church or parish enjoyed by the original benefactor and his representatives.

The portion of this tract, which deals with ecclesiastical matters, is among the most interesting remnants of early Irish law. It is too fragmentary to enable us to form a complete idea of the organization of the Irish Church. Many of the rights claimed for the Church may have existed in theory rather than practice; many of them are not as generally applicable as the text would seem to assert; but the peculiar spirit of the Celtic Church organization is exhibited with a distinctness hitherto unknown.

The early missionaries to the other European nations beyond the limits of the Roman Empire, introduced at once Christian doctrine and Latin organization. Into Ireland Christian doctrine was introduced, but the organization of the Church developed itself in accordance with the principles of the civil society in which it was established.

As the nation was split into independent tribes, the Church consisted of independent monasteries. The civil chaos, out of which society had not yet escaped, was faithfully reproduced in a Church devoid of hierarchical government; intensely national, as faithfully reflecting the ideas of the nation; but not national in the ordinary acceptance of the term, as possessing an organization co-extensive with the territory occupied by the nation.

INTRODUCTION TO THE BOOK OF AICILL.

THIS Book professes to be a compilation of the opinions (*responsa prudentium*) of Cormac and Cennfaeladh.

Cormac, having been accidentally blinded in an affray at Temhair, became incapable of retaining the sovereignty, which was given to his son Coirpri Lifechair, and retired to Aicill, now the hill of Skreen, in the county of Meath. In difficult cases he was consulted by his son, and hence his answers to the questions submitted to him commence with the words, "My son, that thou mayest know." The date of the reign of Cormac according to the received chronology, is from A.D. 227 to A.D. 266.

Cennfaeladh, the son of Oilell, having been wounded at the battle of Magh Rath (Moira) in the year 642 A.D., was brought to be cured to the house of Bricin of Tuam Drecain, now Toomregan, in the county of Cavan. This town was then the residence of certain professors of literature, law, and poetry, and what he there learned Cennfaeladh noted and transcribed into a book.

Such are the origin and date attributed to the dicta which form the original text of this work. The date at which they were collected and commented upon is a very different matter.

The Book commences with a philological and metaphysical discussion upon the derivation and several meanings of the word "eitged," in which the author professes an acquaintance with the Hebrew, Greek, and Latin tongues, and the logical definitions of the schoolmen; his learning, however, is neither extensive nor very profound, and it may be hoped that it is not to be taken as a specimen of the education given in the ancient Irish schools.

The scope of the work is to collect in a digest the leading authorities upon the subject of "eitged," a word now obsolete, and therefore left untranslated. It is possible from the various definitions and classifications of it to gain a tolerably clear idea of the original meaning of the word, which must have become technical at the date of the author. "Its import, *i.e.*, its true meaning," we are informed, "that which is not obvious in the word itself, can be found through investigation, as 'eitged,' *which means* criminal, and 'eitged,' *which means* exempt." It seems to belong to that class of words in many languages, which at first indicate something merely unusual, and are subsequently used to indicate impropriety or criminality. The idea is, that of any act which is contrary to or an exemption from the ordinary rule, which breaks through or overflows the limits set by custom or tradition. The meanings of the words ὑπερφίαλος, insolentia, monstrous, and trespass, have undergone a similar change. The law as to acts unusual, meaning thereby criminal, is the subject which this digest is intended to embrace. It may, however, be remarked that the word "eitged," in its primary sense, may be applied to a large portion of the text, which treats of the cases that from peculiar circumstances are exceptions from the general rule, and are distinguished by the author as "the exemptions."

The Book of Aicill may be considered as the code of ancient Irish criminal law. The term criminal can only be used with reference to the acts which are the subject of the law, not as defining the nature and object of the laws themselves. An act is criminal in the correct use of the word when it is regarded as an offence against the state, and distinguished from wrongs which are offences against individuals (delicts or torts). The distinction lies not in the nature of the act itself, but in the point of view in which the legislator regards it. The idea of a crime cannot arise until the idea of the state has been realised, and it gradually acquires definiteness as the duties of the state are more clearly understood. Even in civilised communities the distinction between crimes and torts, and the double aspect in which almost every wrong may be regarded, are very slowly and imperfectly appreciated. Theft was classed by Gaius among civil wrongs.

Among ourselves, when the wrong is of so aggravated a character as to amount to felony, the individual loses all right to compensation, an injustice avoided by the French law, which combines into one proceeding both the criminal and civil action.

The idea of the state as an existing entity, consisting of all the citizens, and defending the person and property of each against the others, was wholly unknown to early tribal communities. The several families who formed a tribe, although possessing common property and united defensively as against their neighbour, occupied inter sese the position of independent communities; there existed no sovereign bound to see that justice was done, no common tribunal to which an appeal might be had. Wrongs were resisted and avenged, if the parties who suffered them were capable of so doing. No *duty* compelled the other families, members of the tribe, to intervene in the dispute.*

From the very earliest period the inconvenience arising from reprisals and vendettas must have compelled the other members of the tribe to intervene to preserve the peace for the benefit of all; but the action of the other members of the tribe is not in the character of a sovereign power possessing original jurisdiction, but in that of a friendly arbitrator desirous of arranging the differences between his friends, and the sentence of the arbitrator does not declare that the guilty party is liable to any punishment for the wrong, but awards that a certain amount of compensation, paid by the aggressor to the injured party, should satisfy the latter and be taken by him in lieu of his revenge. The measure of damages is not the loss actually suffered, but the amount of vengeance which the injured party, under the circumstances of the case, and in accordance with prevalent ideas and local customs, might be expected to take.

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* To the members of a civilized community the vendetta, as still practised in Corsica and other semi-civilized countries, appears, and is rightly judged, to be a crime and violation of public order; in a primitive society on the other hand it is the only sanction by which life and property were secured.

"Dans les sociétés primitives, tout l'ordre social est concentré dans la famille. La famille a son culte, ses dieux particuliers, ses lois, ses tribunaux, son gouvernement. C'est elle qui possède la terre. Toute nation est composée d'une réunion de familles indépendantes, faiblement reliées entre elles par un lien fédéral très lâche. En dehors des groupes de familles, l'état n' existe pas. Non seulement chez les différentes races d'origine âryenne, mais presque chez tous les peuples la famille présente à l'origine les mêmes caractères. C'est le γένος en Grèce, la *gens* à Rome, le clan chez les Celtes, la *cognatio*, chez les Germains,—pour emprunter le mot de César. . . . . .

"Dans les temps reculés où l'état avec ses attributions essentielles n'existe pas encore, l'individu n'aurait pu subsister ni se defendre, s'il avait vécu isolé. C'est dans la famille qu'il trouvait la protection et les secours qui lui sont indispensables. La solidarité entre tous les membres de la famille était par suite complète. La vendetta n'est point particulière à la Corse; c'est la coutume générale de tous les peuples primitifs. C'est la forme primordiale de la justice. La famille se charge de venger les offenses dont l'un des siens a été victime: c'est l'unique répression possible. Sans elle, la crime serait impuni, et la certitude de l'impunité multiplierait les méfaits au point de mettre fin à la vie sociale."—(*Les Formes Primitives de la Propriété.—Revue des Deux Mondes*, tom. 101, p. 39.)

The award, when pronounced, was not legally binding upon either party, for the arbitrator had no means of enforcing his award, nor was there any civil power to which the injured party could appeal for the execution of the judgment. The jurisdiction of the judge, and the enforcement of his judgment, were derived from and had no other sanction than the public opinion. No legislator commands that any act should be done or foreborne, no civil power enforces the award of the arbitrator, but the public opinion of the village holds that the quarrels between its members should be compromised in a certain manner; and the customary law is the public opinion carried out into practice. The lower the stage of civilization, the more are the actions of men in accordance with the custom; the individual member of a tribe, whose ideas have never wandered beyond the limits of his village, thinks as his neighbours think, and therefore acts in accordance with, rather than obeys, the custom.

If the guilty party does not pay the amount awarded, the community does not compel him to do so, but the injured party is remitted to his original right to avenge his own wrongs by reprisals or levying of private war. The aggressor or defendant, if he decline to fulfil the award made by the arbitrator, and be supported by his family, may resist if able to do so, or abandon the community and become an outlaw, his life being forfeit to the avengers if they discover his retreat.

As the social unit was the family, the family of the murdered man claimed the damages for his death, and the family of the wrong-doer were in a secondary degree bound to pay the damages awarded against him. When in a later stage of the development of law the kinsmen of the wrong-doer were *compelled* to pay the damages, which the principal neglected to pay, this *solidarité* existing among kinsfolk was regarded as a burden and obligation; in an earlier stage it may have been of advantage that the other members of a family could buy off the consequences of the feud brought upon them by one of their own members.

When the wrong-doer himself neglected or was unable to pay the compensation, two courses were open to the members of his family, either to pay the amount themselves, or to deliver up the wrong-doer to the party offended. In the Corus Bescna distinct allusion is made to the delivery to the injured party of the wrong-doer and all his goods. By such an act the party injured was left at full liberty to work out his vengeance on the captive as he pleased. This is clearly shown in the present tract in page 485—"Thou shalt not kill a captive unless he be thine. That is, the captive who is condemned to death. It is lawful for the person who had him in custody to kill him; and the person who assisted him is exempt, if the person in whose custody he was were not able to kill him; but if he was, fine for an unjust death is *due* from him who assisted him; this is obtained by the family of the captive."

This passage clearly shows that the wrong-doer, when handed over to the person whom he had injured, could be put to death by him with impunity; but that the right to put him to death was purely personal is shown by the fact that a third party, assisting unnecessarily in the killing of one who had done him no personal injury, became himself a wrong-doer. In the case of manslaughter, the nature of the compensation given by the wrong-doer varied with the mode in which the duty, or the rights of the kindred of the slain were regarded. The kinsmen might be considered as either having the duty of revenge thrown on them, or as being themselves entitled to compensation for the injury done to the family. The mode in which the custom would effect an arrangement between the parties would naturally differ according to these respective views of the rights and position of the family. In the Levitical Code the right of vengeance to be exercised upon any shedder of blood is expressly admitted; but a refuge is provided for the involuntary slayer, to which if he attains, he is secured a trial, and if acquitted of malice, sheltered for a certain space, until the death of the high priest, which is treated as a fixed period of limitation. Among the Maoris, whose customs are singularly illustrative of early law, the difficulty is met by a constructive death of the slayer, who is publicly wounded by the avenger, and thereupon considered as dead; his goods are divided among his tribesmen as in the case of actual death, and he is re-admitted by adoption into his original tribe. In most early codes with which we are acquainted, the idea of compensation predominates over that of the duty of revenge, and the transaction is reduced to a pecuniary payment, which, in a subsequent period, is regarded as a fine.

In one point of view only was an act of violence regarded in early law as a matter cognizable by the whole body of the people, viz., when the act was regarded as a sin calling down Divine punishment upon the entire community. The necessity of the purification both of the individual and the community from the sin is manifest in the early laws of both Rome and Greece; but the offence was brought under the notice of the community as a sin against God, not as an injury to an individual. Such, probably, was the jurisdiction of the Areopagus at Athens; and at Rome, apparently, from a very early period, the Pontifical jurisprudence punished adultery, sacrilege, and perhaps murder. In those early customary codes which were compiled after the introduction of Christianity, the treatment of certain acts as sins, and as such affecting the community, has been rejected, the consequences of, and the purification from, sin being regarded as lying exclusively between the Divinity and the sinner himself. To the influence of Christianity also may be attributed the preponderance which, in such codes, the right to compensation acquires over the duty of vengeance.

The amount of the payment to be made in any case, representing the revenge which would probably be taken by the injured party, must be the result of various fluctuating factors. The actual power and rank of the injured person and his family, as the measure of the power to revenge wrong, form the most essential element; the actual wrong inflicted, the place in which it was inflicted, the circumstances attending its occurrence, the intention of the wrong-doer, and the degree in which the injured party was himself, by his negligence or otherwise, a cause of what occurred, would all be elements of the calculation. In addition to the payment to the injured party, the remuneration of the arbitrator would have to be provided for; this might be effected by either a charge upon the amount of damages recovered, or a payment to be made by the unsuccessful party.* When at a later date a permanent tribunal was substituted for an arbitrator *ad hoc*, the payment to the arbitrator for his time and trouble was reduced to a fixed payment and considered as a fine; but it is clear that originally the State did not take from the defendant any sum as a composition for any wrong supposed to be done to itself, but simply claimed a share in the compensation awarded, as the payment for service rendered.

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* The subjoined, anonymous and undated, constitution, which appears among the laws of King Wihtraed, in the *textus Ruffensis*, is remarkable both as illustrating the mode in which damages were estimated, and also the extent to which the local customs of a semi-barbarous society overpowered in the minds of the clergy the traditionary principles of Roman and canon law. Wihtraed, according to Bede, died in the year 725 A.D.—(Eccl. Hist., B. 4, chap. 24):—

CONSTITUTIO QUOMODO DAMNA ET INJURIÆ SACRIS ORDINIBUS ILLATA SUNT COMPENSANDA.

I. Septuplicia sunt dona spiritus sancti, et septem gradus sunt ecclesiasticorum ordinum et sacrarum functionum. Septem etiam vicibus dei ministri deum quotidie laudare debent in ecclesiis et pro universo populo Christiano diligenter intercedere. Et ad omnes dei amicos quam maxime pertinet, ut ecclesiam dei diligant et honorent, et dei ministros pace ac concordia tueantur. Et si quis illis damnum intulerit verbo vel facto, septuplici compensatione diligenter compenset, pro ratione facti et pro ratione ordinis, si dei misericordiam promereri velit.

II. Sanctuarium etenim et ordines sacri et sancta dei domus ex timore dei sedulo honorari debent. Et ad compensationem ordinis violati, si vita damnum patiatur, præter justam capitis æstimationem primus gradus, compensetur una libra, et cum pia satisfactione veniam ille exoret sedulo.

In all essential principles the ancient Irish and the ancient English (Anglo-Saxon) criminal law were the same; but in England, as elsewhere in Europe, the law of crimes was, as the necessary consequence of the establishment of vigorous central governments and of the knowledge of Roman law, altered by the distinction of crimes and torts being more or less acknowledged. The anarchical condition of the Celtic race in Ireland prevented the idea of the State from taking root among the natives of that country, and as the necessary consequence, all acts of violence or wrong were treated as torts, and never as crimes. The English settlers, unaware that their own ancestors some centuries earlier had entertained the same opinion, treated the Irish criminal

III. Et ad compensationem ordinis violati, si vita damnum patiatur, præter justam capitis æstimationem secundus gradus duabus libris compensetur cum ecclesiastica confessione.

IV. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem tribus libris tertius gradus compensetur cum ecclesiastica confessione.

V. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam æstimationem capitis quarto gradui quatuor libræ solvantur.

VI. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem quintus gradus quinque libris compensetur cum ecclesiastica confessione.

VII. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem sextus gradus sex libris compensetur cum ecclesiastica confessione.

VIII. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem septimus gradus septem libris compensetur cum ecclesiastica confessione.

IX. Et ad compensationem ordinis violati, si pax semifracta fuerit, compensatio fiat sedulo pro ratione ejus quod factum est. Jure judicandum est juxta factum, et moderandum juxta dignitatem coram deo et coram sæculo.

X. Et compensationis violati ordinis pars una episcopo, secunda altari et tertia societati tradatur.

code as something altogether unnatural and iniquitous. A certain mystery, therefore, has been supposed to be connected with the Brehon criminal law, and Irish antiquaries have been accustomed to speak of this system as peculiar to the Celtic race and quite abnormal in its character. This belief was not entirely exploded until the comparative study of the laws of early nations, so recently commenced and so successfully pursued, had taught us that the laws of all the early Aryan tribal communities were almost identical in their principles, and that if some of the laws of such a community were abstractedly stated, it would be impossible to pronounce with certainty whether they were derived from the banks of the Ganges or the shore of the Atlantic. Every archaic code exhibits the same principles with peculiar variations, and not only illustrates the social life of the people among whom it prevailed, but also throws new light upon the customs of other nations in a similar stage of civilization.

The ancient criminal code of Ireland has been comparatively unstudied; it was known that it consisted of a complicated system of pecuniary compensation, but the principles of the calculation, and their application to individual cases could not be ascertained so long as the present work remained unpublished. Sir H. S. Maine, in his work on ancient law, states that "The Teutonic codes, including those of our Anglo-Saxon ancestors, are the only bodies of archaic secular law which have come down to us in such a state that we can form an exact notion of their original dimensions."

The Brehon criminal law is, for reasons peculiar to itself, worthy of study, and exhibits more completely than any other archaic code the ideas of an early society as to the whole body of acts included under the names of crimes and torts.

The Irish customary law was collected and recorded in writing at a period as early as, if not earlier than, that of any of the Teutonic codes which have come down to us. The missionaries who introduced Christianity into the island were few in number, and, probably, themselves very imperfectly Latinized; the doctrines of Christianity were not forced upon the natives by any foreign power, as was the case in Germany. The early tribal system of society was never effectually broken up, nor were the legal ideas of the people modified by the introduction of principles derived from the civil law. If the Irish nation had been reduced under the rule of any single monarch, it is probable that their criminal law would have been independently developed in the same manner as we find to have been the case in other nations; but unfortunately the idea of a national sovereignty never took root, and therefore the conception of the State was never attained by the Irish Celts. The archaic criminal law remained practically unaltered in Ireland from the date of the earliest notices of its existence down to the final suppression of the Irish tribal system at the commencement of the seventeenth century. It cannot be asserted that the internal social condition of the tribes continued unaltered during this period, but rather that their ideas as to criminal law were never developed.

In Ireland, the study and administration of the law being the monopoly of a separate hereditary caste, the traditional rules of the law and the opinions of celebrated lawyers were preserved in writing and commented upon in a manner peculiar to the Brehon system. If we compare the rules of the early Teutonic codes as to crimes or torts with the Brehon law books, we shall find the difference between the nature of the documents to be striking. The former consist of simple principles or enactments, being probably mere collections (made by the authority of the king whose name they bear) of the old customs handed down by tradition. The ancient customary law of the Irish consisted of similar rules of uncertain origin, collected not by any sovereign authority, but by the practitioners of the law, and continuously commented upon by lawyers, in the same manner as a barrister notes up in his text-book the latest authorities.

There was not among the Irish any sovereign authority competent to enact a new law; the customs were assumed to exist, and the early text was taken to represent the custom correctly. There was not, further, any tribunal of original jurisdiction whose decisions could be received as of binding authority. The mode, therefore, in which the archaic Irish customary law was worked out was very similar to the effect of the *Responsa Prudentium*—the answers of those learned in the law—upon the Decemviral Roman law.

The course which the Irish law pursued is described, with certain modifications to be hereafter noticed, in Sir H. S. Maine's account of the effect upon the Roman law of the *Responsa Prudentium*:—"The form of these responses varied a good deal at different periods of the Roman jurisprudence, but throughout its whole course they consisted of explanatory glosses on authoritative written documents, and at first they were exclusively collections of opinions interpretative of the Twelve Tables. As with us, all legal language adjusted itself to the assumption that the text of the old code remained unchanged. There was the express rule. It overrode all glosses and comments, and no one openly admitted that any interpretation of it, however eminent the interpreter, was safe from revision on appeal to the venerable texts. Yet in point of fact, Books of Responses bearing the names of leading jurisconsults obtained an authority at least equal to that of our reported cases, and constantly modified, extended, limited, or practically overruled the provisions of the Decemviral law. The authors of the new jurisprudence during the whole progress of its formation professed the most sedulous respect for the letter of the Code. They were merely explaining it, deciphering it, bringing out its full meaning; but then in the result, by piecing texts together, by adjusting the law to states of fact which actually presented themselves and by speculating on its possible application to others which might occur, by introducing principles of interpretation derived from the exegesis of other written documents which fell under their observation, they educed a vast variety of canons, which had never been dreamed of by the compilers of the Twelve Tables and which were, in truth, rarely or never to be found there."*

The surrounding circumstances and the education of the early Roman lawyer and the Irish Brehon were very different. No new ideas of law or philosophy were introduced from foreign sources into the law schools of the Brehons; no intercourse with foreign nations brought under their notice the legal principles which educe themselves from an observed conflict of laws. The civilization of the roving Scandinavian was inferior to their own; the law of the Norsemen in their original settlements, though better in its practical working, was identical in principles with their own. The system of law introduced by the English was too different from the native Irish law to be fused with it, and was therefore naturally repudiated in its entirety by the Brehon lawyers. The profession of the law in Ireland being the possession of a caste, law was studied and applied in the spirit of a close corporation, and reduced as far as possible to an occult science. Under these circumstances it is not extraordinary that Irish criminal law assumed the form in which it appears in the ancient Brehon tracts. The root of the Brehon law is the archaic custom preserved in the collections made for their own convenience by professors of law. This custom was not and could not be abrogated or altered. Owing to peculiar circumstances, it never was naturally developed, but was continually increased in bulk by the efforts of the commentators, who in their commentary had no desire to improve, but solely to exhibit the application of the custom to any possible contingency. In such speculations they display a fatal delight in arithmetical operations. As the "law" of each case resolved itself into the calculation of the amount of damages, which was the result, as before stated, of constantly varying factors, the possible combinations of which were practically infinite, the Brehon lawyers had an unlimited field for their legal speculations; but, however prolonged their labours, they could not from their very nature have brought any improve-

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* Ancient Law, pp. 33, 34.

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ment to the administration of justice, or have met any social want of the nation.

The Brehon law, although buried in a mass of technical commentary, still retains in matters criminal the peculiarities which distinguish an archaic from a more modern code. The narrowness of view of the Brehons, which reduced their commentaries to a mere logical development of forms, preserved the criminal law free from the introduction of those ideas which have become so familiar to us that we believe them to be the first and necessary elements of jurisprudence.

The features of early law in criminal matters, which come out with peculiar clearness in the Brehon law tracts, and especially in the present work, may be summed up as follows:—(1), the entire absence of any legislative or judicial power; from which it follows (2), that the law is purely customary, and theoretically incapable of alteration; and (3), that all judicial authority is purely consensual, and the judgments are merely awards founded upon a submission to arbitration, whose only sanction is public opinion; (4), that all the acts defined by us as crimes are classed as torts; and (5), that the form which all judgments assumed is an assessment of damages.

The procedure by which redress for an injury was obtained under the Brehon law explains at once the position of the judge and the nature of his judgment.

The injured person did not apply to the civil power for redress, for there was no magistracy or police; he could not issue any summons or writ to bring the wrong-doer before a judge, for there were no tribunals whatsoever; he was at liberty to take the law into his own hands, and redress himself. No one would have prevented him from doing so; but it was the custom, or the local public was of the opinion, that a person who had been injured should not himself revenge the wrong suffered, but rather be indemnified by damages. The first step was to induce the wrong-doer to enter into a consent to submit the matter to arbitration; this was effected by the solemn process of a distress, explained so fully in the preceding volumes. The levying a distress was a public reprisal, an assertion of the plaintiff's right to revenge the wrong suffered. Or the plaintiff, abstaining from an act which, although ultimately a mere form, had originally been a proceeding by force, might appeal to the miraculous interference of Providence by fasting upon the aggressor. The levying of the distress and the fasting would in the end be no more realities than were the entry and ouster in an English ejectment. The submission to the technical act of retaliation, and the yielding to the demand of the starving suppliant, were originally voluntary acts of the wrong-doer, enforced alone by the sanction of public opinion. The whole dispute between the parties is hereupon submitted, not to an official or judicial person, but to the member of that family which has preserved the traditionary customs and acted as usual arbitrators, thus securing the same monopoly of the judicial business which the village smith or doctor enjoyed in respect of their several occupations. The Brehon, at the request of the parties, proceeds to settle all the existing differences between them. In the vast majority of cases, the settlement of their existing differences amounted simply to awarding damages for the wrong committed; but various reprisals and acts of violence might have occurred before the submission to arbitration, or the wrong-doer might have had some old complaint of his own to be brought forward as a set-off; in such cases the Brehon took an account between the parties. Every injury on both sides being duly credited or debited at a fixed amount, he then struck a balance which represented the sum, upon the payment of which all complaints between the parties were satisfied. The Brehon was paid out of the amount of damages awarded by him.

The primary elements in the calculation of the amount of compensation were the nature of the wrong and the rank or power of the parties. Every possible wrong was calculated according to a fixed ratio, the scale of the taxation depending upon the rank of the parties, and an additional personal compensation, independent of the nature of the injury, but with reference to the rank of the injured party, was introduced as a separate item into the account. Such a stated account is detailed in the Commentary on the Senchus Mor (vol. i., p. 77):—" A balance was struck between the crimes, here i.e., Eochaidh Belbhuidhe was killed while under the protection of Fergus, who, being the king of a province, was entitled to eighteen 'cumhals,' both as 'irar'-fine and honor-price for the violation *of his protection;* there were *also* due *to him* nine 'cumhals' for his half 'irar'-fine and half honor-price, *in compensation* for *Dorn* having reproached Fergus with the blemish, for he was not aware that he had the blemish; so that this was altogether twenty-seven 'cumhals' to Fergus. Honor-price was demanded *by the Feini* for the killing of the pledge, for the pledge they had given was a pledge without limitation of time, and for it twenty-three 'cumhals' *were payable* by him for 'irar'-fine and honor-price. For *the authority of* Fergus was opposed at that time. Buidhe, son of Ainmirech, was entitled to honor-price for the killing of his daughter, i.e., he was an Aire-Forgill-chief of the middle rank, and was entitled to six 'cumhals' as honor-price. Her brother was also entitled to honor-price for her death; he was an Aire-ard, and was entitled to four 'cumhals' as his honor-price; so that this which the men of the South demanded amounted to thirty-three 'cumhals,' and the men of the North demanded twenty-seven; and a balance was struck between them, and it was found that an excess of six 'cumhals' was due by the men of the North, for which Inbher Debhline was again restored by the men of the North."

If the facts of the case were established, the skill of the Brehon lay in discerning what were the proper items to be introduced into the account, and the scale in which they were severally to be assessed. The great body of the present work therefore consists of statements of the mode in which wrongs of all possible descriptions are to be charged, the possible items to be introduced into such accounts on either side, and leading cases of accounts so taken as precedents to be followed. For such a purpose allusions are made to, and illustrations drawn from, the ordinary social life at the time; and thus a vast amount of information as to the state of society is collected.

In the absence of any metallic currency the fine was calculated in cumhals, which were the conventional units of value.* The 'cumhal' originally signified a bond-maid, and subsequently denoted any goods equivalent in value to a bond-maid, the price of whom was supposed to be three cows. If either the payer or payee had the power of electing in what particular articles the payment should be made, considerable inconvenience might have been caused to the opposite party. To prevent this the rule was established, that in the case of what would now be called unliquidated damages, the payment, when it exceeded a certain amount, should be made in different sorts of goods in certain fixed proportions. Half a cumhal was payable in one species of goods, one cumhal in two species of goods, in both of which cases it is to be presumed that the payer had the election of the form in which the payment was to be made. When the amount was "cumhals," that is three cumhals and upwards, the payment was made in three species of goods, viz., one-third in cows, one-third in horses, and one-third in silver; and, further, one-third of the cattle were required to be male, one-third of the horses mares, and one-third of the silver by weight might be copper alloy. This mode of calculating value, archaic as it seems, still prevails among the Irish peasantry in the case of grazing contracts, in which, in lieu of a cow, the owner of the cattle may substitute calves, sheep, or geese in a fixed ratio. The mode of paying damages in mixed goods did not apply in proceedings founded upon an express contract to furnish a specific article or class of articles, except in the case where the purchaser had, and the speculative vendor had not, notice that the specific articles could not be procured in the market.

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* The 'cumhal' must have varied in different districts. In page 109, the commentator, quoting some custom or maxim says, "the 'smacht'-fine for being without 'teist'-evidence is a cow or a 'cumhal'; and the 'cumhal' here means the fourth part of seven 'cumhals.'" The local custom or author made use of a local currency in the estimates.

The first case discussed in the present tract is that of homicide, a subject which takes precedence as well from its importance, as from the simplicity of the account to be taken.* As to the nature of the deed itself, homicide was divisible into the two classes of simple manslaughter and murder, the difference between which lay in the existence or absence of malice aforethought, the fine in the latter being double what it was in the former case. The commentary discusses the case of a homicide with or without concealment or secrecy. The secret homicide was one committed "among neighbours," (that is, in a place where the body would be at once discovered,) when it was concealed with the object of escaping detection, or when the homicide took place in a remote place, where the body was not likely to be discovered, and the guilty party did not before detection give notice of the fact. The concealment in the former case was defined as an act subsequent to the homicide, and done with the view of concealment; if the difficulty of finding the body arose from the nature of the homicide, it was not technically a concealment.

The homicide and concealment being two distinct and consecutive acts, might be committed by one person or by two different persons. The accessory to a homicide was also liable in damages, but a person might be an accessory to both or one of the above-mentioned acts, viz., the actual homicide or the subsequent concealment. If all the parties to the transaction were of the same rank in society the calculation of the result may be made without much difficulty. The commentary takes first the case of a native freeman, by which we must understand a full member of the tribe, a *ceorl* in the original use of that term. For the homicide simply, the guilty person paid the amount of his own honor-price (his "wer" in the English law), and the fine (body-fine) of seven 'cumhals'* as the compensation for the death, which corresponds with the "bōt" of the early English law; for the concealment of the body the guilty person, whether the same as, or other than, the original slayer, paid also full honor-price and a fine of seven 'cumhals'; the result of which was that the native freeman when guilty of murder paid double his own honor-price and fourteen 'cumhals.' If, however, the body was found, the fine for concealment, but not the honor-fine, was remitted. A witness to either or both of the acts of homicide and the concealment, if a native freeman, was liable to one-fourth of the damages payable by a principal, subject to the reservation, that if the body were discovered the fine for concealment was remitted. The amount of the honor-price in all these cases depended upon the rank of the person chargeable with the payment, not of the person guilty of the act. If the rank of the parties to the transaction were other than that of freemen, the calculation became much more complicated. The original text merely states that the fines are doubled by malice aforethought, and contains no table of what the exact amounts are. The commentary, though more consecutive than usually is the case, contains rules contradictory to each other as to the amount of the payment; these varying statements probably represent the application of the general principle contained in the text to diverse local customs; it is therefore impossible to calculate with any certainty the amounts payable in every combination. But the following are presented as the deductions which may be drawn from the commentary. The value of a freeman being taken as the unit, a stranger, a freeman who resides in the tribe, but is not of the tribe, is valued at four-sevenths; a foreigner, a freeman not of the tribe, or permanently residing in it, is rated at two-sevenths* and one-fourteenth; a 'daer'-man is valued at the one-seventh of the value of the man in whose hand he was. Seven 'cumhals' being taken as the amount of the fines payable by a freeman for the homicide of a freeman and for the concealment of the body, the amount would be rateably diminished in proportion to the rank of the slain or of the slayer. That the rank of the slain affected the amount is evident, not only from the analogy of similar codes, but from the passage, "It is for the concealing of *the body of* a native freeman *the fine of* a 'cumhal' is *due;* and four-sevenths of it (*the 'cumhal'-fine*) for the concealing of *the body of* a stranger; *it is* two-sevenths and one-fourteenth (*of the same*) for the concealing of *the body of* a foreigner; a seventh only for the concealing of *the body of* a 'daer'-man."†

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* This text and commentary treat all homicide as subject to the rules of 'eric'-fines; malice aforethought merely doubles the amount payable by the slayer. The commentator in the Corus Bescna treats homicide and all other wrongs done with malice aforethought as exceptions to the ordinary law, and states that the slayer should be given up, with all his goods, to the family of the slain. This statement in the Corus Bescna is perhaps a further instance of the Ecclesiastical, or rather Levitical spirit apparent in that work, and, with other passages, strengthens the suspicion that much of the law there laid down is what the authors believed ought to be the custom rather than what they found actually to exist. (Corus Bescna, ante, p. lvi.)

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* It is difficult to understand that the fine for the slaying of any freeman should be seven 'cumhals,' inasmuch as the commentary upon the next section of the text defines the septenary grade as consisting of those, *e.g.*, a bishop or chief professor, &c., who were entitled to a fine of seven 'cumhals' of penance and *seven 'cumhals' of eric-fine*. The eric of a bishop or chief professor must have exceeded that of a simple freeman.

The actual amount which could be recovered for the death of any person is made the unit upon which fines for lesser injuries are again calculated, and the full body-fine is in the Corus Bescna treated as the maximum of damages a father could recover from the son, who, having received his father's property on the condition of maintaining him, had failed to do so.

The variation of the fine in relation to the rank of the criminal appears in the following passage‡:—"This is *the fine*

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* From the commentary in page 129 it would seem that a freeman who leaving his property goes into another tribe (the evident meaning of which is that he was only temporarily absent) loses one-half of both honor-price and body-fine *i.e.*, his honor-price and body-fine are less by one-half under such circumstances.

† Page 103.

‡ The principle that the amount of the damages should be affected by the rank of the guilty party seems at first unusual, but it appears in some passages of the early English law; thus in the second section of the secular laws of Edgar, the passage occurs, "If the law be too heavy, let him seek a mitigation of it from the king; and for any 'bōt'-worthy crime, let no man forfeit more than his 'wēr';" the force of which provision lies in the distinction between the 'bōt' and the 'wēr,' and the passage therefore means "the amount of damage to be recovered against any guilty person shall never exceed the amount of the 'wēr' which might be claimed by his family in the event of his murder." If the existence of this principle be borne in mind, the usual objections to the text in the 7th section of the laws of Æthelbirht disappears; and the rule, "If the king's 'ambiht-smith' (official smith) or 'land-rinc' (guide) slay a man, let him pay a half 'leod-geld' (or 'wergeld')," is another instance of the status of the slayer being an element in the calculation of the damages. Great

due from the 'daer'-man of a native freeman for the concealing; four-sevenths of it *are due* from the 'daer'-man of a stranger; two-sevenths and one-fourteenth from the 'daer'-man of a foreigner; and a seventh of the seventh from the 'daer'-man of a 'daer'-man. How is it found out that it is a seventh of the seventh *of a 'cumhal'* which is *the fine* upon the 'daer'-man of a 'daer'-man for the concealing *of the body*, as no book mentions it? It is thus inferred: because seven 'cumhals' are *the fine* upon a native freeman for it; and a seventh of this, *i.e.* one 'cumhal,' is *the fine for the concealing* upon the 'daer'-man of a native freeman, it is fair that it is the seventh of the 'cumhal,' which is *the fine* upon the 'daer'-man of a native freeman for concealing, that should be *the fine* upon the 'daer'-man of a 'daer'-man for the concealing; and this is the seventh of the seventh."*

The reported case of the ancient Brehon arbitration contained in the first volume is an authority entitled to much more weight than the present commentary; and it is not easy to reconcile that decision with the complicated rules contained in the commentary. The commentary in this and other passages of the present volume probably bears the same relation to the original law as the Talmud to the Pentateuch.

The infliction of a further injury upon the body in the act of concealing created a claim of an entirely new character. The body was held to be the property of the original church of the deceased. Whether this means the church or monastery

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anomalies must have arisen if the principle be admitted that the rank of the criminal affected the amount of compensation to be paid by him. In a note upon the above-mentioned section of the laws of Æthelbirht, the editor of *The Ancient Laws and Institutes of England* remarks:—"I have sought in vain for an example where the 'were' is fixed, as on the present occasion, for men of all degrees and in favour of persons holding particular offices. The wer-geld was the property of a man's family. There might be grace in increasing it, but to lessen its amount in favour of any class of men would be little short of giving encouragement to the commission of the very crime against which the law is directed. Indeed such a principle is in opposition to the whole body of Germanic jurisprudence, in which the 'wer' and the duties connected with it may be said to be the corner-stone of the fabric."

* P. 105. If this principle were carried out in the case of the murder "with malice aforethought" of the 'daer'-man of a 'daer'-man by the 'daer'-man of a 'daer'-man, the amount of damages to be paid by the slayer would be the equivalent of the decimal ·0166 of the value of one cow.

situate within the land of his tribe, or a church founded by a member of his tribe, the honor-price, but not the body fine, which should have been paid to the deceased on account of such an injury if inflicted in his lifetime, was payable to the church to which he belonged; thus constructively the dead man was regarded as the member of the monastic church in which his remains should have reposed.

Inasmuch as the compensation to be paid by or to any person depended upon his rank in the community, it was important in every case to ascertain the real rank of the individuals connected with the transaction. If the status of the individual depended solely on descent, there would be no difficulty in the matter. The idea of rank or status is different in the case of a nation of unmixed descent and of one formed of a conquering superimposed upon a conquered race. In the latter case the test of nobility is purity of blood; a man remains in the rank in which he was born, and therefore a certain descent is a condition antecedent to the acquiring of nobility; such was the position of the Spartiate in Lacedæmon, or the patrician of Rome. But in a nation of one stock only, although a peculiar position is occupied by the ruling families, and although at an early period birth and nobility are associated, yet nobility does not confer the position occupied by one of a conquering in relation to the members of a conquered race; in such a nation property or personal distinction is considered as a sufficient foundation of nobility. Nothing indicates the completeness of the destruction or expulsion of the British nation before the English more clearly than the possibility of attaining social rank without any reference to birth. Although the early Irish history records successive settlements and invasions, it is certain that the Celtic population did not occupy the position of a conquering as contrasted with a conquered population. Naturally, therefore, in a legal point of view, rank was not the result of descent purely, but could be reached by one who possessed certain personal qualifications or property; it was therefore possible that personal status might from time to time be altered by circumstances external to the individual himself—that, as the original text describes it, "The head of a king should be upon a plebeian, or the head of a plebeian upon a king." Rank, as measured by the amount of the honor-price, might depend on the family, profession, or property of the individual. Professional rank might depend upon the position attained by the person in question—*e.g.*, a bishop or a chief professor; or, in the case of a retainer, upon the rank of the chief to whom he belonged, as in the Barbaric codes a "ministerialis" of the king, although taken from the servile class, had therefore an increased value. That the grade of an individual could be determined by the amount of his property appears from the rules subsequently laid down as to partnerships in the commentary, in page 143, where it is stated that if the owner of twenty-eight 'cumhals' worth of land enter into a partnership with the owner of twenty cows (eight 'cumhals' of cows), not only do certain incidents as to the ownership of the property occur somewhat similar to our own law of partnership, but each of the partners was entitled to an honor-price of the grade double whose property they possessed, and therefore both of the partners in such a case would take the rank of a middle 'Bo-aire'-chief; from which it may be assumed that property to the amount of eighteen 'cumhals' was either sufficient to confer, or necessary to maintain, the specified rank.

It is evident that in estimating the amount of the honor-price of any person the result might be very different according to the particular qualification with reference to which his grade was determined. When an individual could qualify in more than one grade, if the question of the amount of his honor-price arose, he was required to elect on what basis, whether birth, profession, services, or property his grade should be ascertained, and by such election, when once made, he was thereafter bound. "The head of a plebeian is upon a king" when one of noble rank elects that his honor-price should be ascertained in respect of his property and not his birth, and afterwards loses the property, the ground of his qualification. In such a case he could not, on a subsequent occasion, fall back upon his birth as his qualification; he would be considered to have voluntarily abandoned his ancestral grade, and to have lost the qualification thereof for that which he had elected to retain. Although, however, he loses the benefits acquired by his own descent, the loss is purely personal, and if he has children he transmits to them the hereditary grade, and can, in their right, claim the original honor-price which he had renounced for himself. This passage contemplates the possibility of a person of kingly (or rather noble) lineage finding it more advantageous for himself to assess his honor-price with reference to his property. If it was his interest to elect to be rated, not with reference to his birth, but upon the basis of property, because the honor-fine to which in the latter case he would be entitled would be greater than in the former, we must conclude that the temporary possession of property conferred a rank on its owner, at least as high, or gave its owner a right to an honor-price as great, as that of the son of a kingly house. This result is so extraordinary that the commentary might be suspected of being purely speculative; the proverb, however, referred to in the text shows that the transaction was both ancient and notorious. Rules similar to the last are also laid down in the case of the contingent qualifications of service.

The next section (page 109) treats of the consequences of having falsely boasted of having committed a crime. When the Brehon arbitrator had not to inquire into the question of abstract guilt or innocence (terms quite foreign to the ideas of the time), but was required to give a decision upon the admitted facts as between the litigants, an acknowledgment once proved threw upon the party who had made it the onus of proving the contrary; and hence it followed that the plea that the previous acknowledgment or boast of having committed the deed was false in fact required to be proved strictly. The boasting that an injury had been committed against a person or his property, although untrue, was in itself an injury, and entailed upon the boaster a portion of the damages payable if the act in question had been actually committed. Considerable difficulty is acknowledged by the commentator to exist as to the exact proportion of the damages which were left or removed upon proof of the act in question never having been committed, a difficulty which is attributed to the conflict of 'Cain' and 'Urradhus' law—the former of which must be considered as the general customary, the latter as the local customary law, which prevailed in the tribe to which the Brehon commentator belonged. There might have been as many Urradhus laws as there were tribes, but the author himself, naturally attached to a particular tribe, speaks of *its* custom as *the Urradhus law.* The treatment of untruthful boasting, as an actual tort, had not been established without opposition. The commentator quotes the old maxims, "Much is said through aggravated anger and the folly of mental disturbance," and "Though one should boast of a thing which he did not do, he shall not be fined for it." As this is in direct contradiction to the text which he is annotating, the commentator strives to reconcile them thus: the boasting is a tort or wrong to the person represented to have been injured, but it is an injury only so far forth as it would be believed by a reasonable man; the boaster is liable therefore in the inverse ratio of the excellence of his own character. If the person who boasted "were a thief, or if he were a person who was always in the habit of boasting, it is less likely the deed was committed by him, and it is right that there should be no fine upon him."*

When the homicide in question was not the act of a single individual the question naturally arose by whom and in what proportions the damages were to be paid.† A distinction was drawn between the instigation to do the act and the commission of the act itself, which were treated as separate wrongs. For the instigation to commit the act, "if one man led them out by force or *through their* ignorance," whether those guilty of the act itself were discovered or not, a fine of seven 'cumhals' was payable by the man "who led them out." If all the parties to the transaction are known and proceeded against conjointly for the act committed, the fine, "if they were led out with their consent," is still seven 'cumhals,' the instigator or leader paying one-third for the instigation, and his share of the residue as one of the parties guilty of the wrong. Proceedings might be had against the instigator for the instigating and for the act itself, either jointly or severally. The result of the arbitration and payment of the award would amount only to a satisfaction for the actual wrong, the basis of the arbitration. The purely voluntary nature of the submission is shown by the rule, that if it is agreed that the questions both of the instigation to commit the act, and of the act, should form the subject of a single arbitration, the fine of seven 'cumhals' discharges the defendant from all liability. If the causes of action were not combined in the original arbitration, and consequently two several proceedings were at different times commenced against the instigator, he paid the seven 'cumhals' on the action for instigation which was instituted against himself severally, and his share, two-thirds of the seven 'cumhals,' which were recovered on the action founded on the act itself. A *solidarité* existed between the instigator and the parties instigated, but this, from the nature of the jurisdiction, was different from that in the cases of joint defendants in an action of tort in the English law. Under our law all the wrong-doers are defendants in the first instance to the action, the judgment against them is joint and several, and may be levied off all or any at the election of the plaintiff. In the Brehon law the arbitration was effectual only between the parties to the submission; if the others refused to come in, the defendant might or might not pay the whole damage and obtain an indemnity for them; if he did not, they remained open to reprisals; but if they subsequently elected to come in, they could take the benefit of the previous arrangement by settling their account with the injured party or the party who had previously paid the entire damages.

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* Pp. 112, 113.

† P. 115.

Independently of wrong committed against the person directly injured, or (in the case of his death) against his kin, the commission of an act of violence was a wrong to the person in, or in the neighbourhood of, whose house the transaction took place. Around such a residence there was a space ("Maighin" translated 'precinct') of varying extent, within which the owner of the house had a right to insist that the peace should be kept. The extent of the precinct depended upon the rank of the owner of the house; thus the precinct of a bishop was the space included in a circle, the centre of which was his house, and the radius one thousand paces. The limits of such a precinct are sometimes less definitely marked by reference to the distance at which certain sounds might be heard, *e.g.*, the sound of a bell or the crowing of a cock. It is improbable that the privilege of the owner of the precinct was confined to any special ranks in the community; the rules in the Brehon law, as to the rights of the resident within the precinct, necessarily flow from the established fact that in all early tribe systems the family was the unit of social organization. Within the house and lot of land attached allodially to it, the family was an absolutely free community; an entry by one not a member, otherwise than as a guest, or the commission of any violence therein, was a distinct wrong to the collective body of the family, as represented by its head for the time being. In the Teutonic tribes "each family in the township was governed by its own free head or paterfamilias. The precinct of the family dwelling-house could be entered by none but himself and those under his *patria potestas*, not even by the officers of the law, for he himself made law within and enforced law without."* The right to enforce the peace within the house of the family, was naturally extended in the case of those of the higher ranks to certain limits drawn around their abode—limits which, doubtless, at first represented an actual fence or bound, but afterwards, perhaps, only existed constructively in the contemplation of the law. Such was the space indicated by the English 'tûn' (Germ. zaun), originally a plot of ground enclosed by a hedge, the separate allodial possession of a family, and subsequently used precisely as the Irish 'Maighin'; as in the phrase, "If anyone be the first to make an inroad into a man's 'tūn,' &c." (Æthel. sect. 17).* Thus we meet in the English law the rules: "If a man slay another in the king's 'tûn,' let him make 'bôt' with fifty shillings," and "If a man slay another in an eorl's 'tûn,' let him make 'bôt' with twelve shillings" (Æthel. sect. 5 and 13). The theory of the precinct, if it operated to protect the family from acts of violence done therein, naturally threw on them the duty not only of maintaining order within, but also of preventing its inviolable character being abused by the protection of wrong-doers against the consequences of their acts. The head of the family was bound to prevent wrongs being done to third parties within the limit of his absolute jurisdiction; if the hand of the avenger was stayed at the limit of the enclosure, the head of the family was responsible for the acts of those whom the sanctity of the precinct thus protected. This principle, which occurs constantly in the present tract, is reiterated in all the early English laws from the earliest down to those of Henry I.† They are almost identical with those of the Brehon law.

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* Maine Village Communities, p. 78. The modern use of the word town, and of the Irish townland, as meaning an enclosed space the joint property of more than one person, appears in the Laws of Ine, section 42, "If 'ceorls' have a common meadow (gærs-tun) or other partible land to fence, &c.," the leading idea was the enclosing of a piece of land, the cutting it out of the general public stock; and the ancient use of the term, and the law of the precinct, indicate the mode in which the members of a tribal community fixed their dwellings; "vicos locant non in nostrum morem, connexis et cohærentibus ædificiis; suam quisque domum spatio circumdat."—Tacitus Ger. c. 16. The law of the precinct in the Brehon laws is worthy of attention as indicating a state of society anterior to that generally described in them, and proving that the principle of the unity and independence of the family is common to all the Aryan tribal communities.

The rights and liabilities of the family in respect to the precinct are naturally correlative, and are shown to be such in the rules as to payment of compensation for offences, when it is unknown who the guilty parties are.‡ If, although the guilty person be not ascertained, it be certain that the inhabitants (of the village), or some of them, slew the deceased, they all conjointly pay the fine of seven 'cumhals' to the king and to the owner of the land as compensation for the violence committed upon the land of the family. The amount of the latter payment is described as being different under the Urradhus and Cain laws; in the former it was one-twentieth part of the honor-price of the owner of the land, if the act occurred without, and one-half if within the precinct; according to Cain law, it was seven-twentieths of his honor-price, whether the act took place within or without the precinct. If, however, it was not certain that the inhabitants of the district were the guilty parties, they pay the fine of seven 'cumhals' as before, but the position of the owner of the *locus in quo* is reversed, and he pays a part of the compensation, the amount of which was uncertain. The reason of these rules was that in the former case no default existed on the part of the owner; the act had been committed by an ascertained class, although the individual had not been ascertained, and, as incident to the act itself, a trespass had been committed upon his exclusive property; but in the latter case it was possible that the act had been committed by parties who had been permitted by the owner to enter upon or remain on his exclusive property, and for whose acts he was therefore responsible.

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* The Irish law justified the slaying by the owner of the house of the thief who broke in at night, exactly as the English law.

† Early English Laws, H. and E. 15, p. 14; Cnut. s. 28, p. 168; Ed. Con. 23, p. 195; Wm. I., 48, p. 209; Hen. I., par. viii., s. 5, p. 223.

‡ P. 117.

If the guilty parties were ascertained to consist of a mixed body of freemen, strangers, &c., the compensation was paid by them rateably in proportion to their respective honor-prices; but no information is given as to the rights or liabilities of the owner. If the person guilty of the act stood by when the compensation was paid by the inhabitants, he became liable to recoup them with an additional fine for "looking on" at the payment. The varying amount of compensation with reference to the rank of the payer rendered such an adjustment of accounts complicated, and produced a series of rules the general object of which was to compel the guilty person to indemnify those who had paid the compensation for his act. The fine for looking on was calculated with reference to the amount paid, the payment to be made in respect of each successive "sed" being estimated in a decreasing ratio. The fine for looking on also varied with reference to the nature of the goods in which the compensation had originally been paid. From a passage in the commentary, which is evidently a reference to some well-known case, the amount of the fine for looking on was diminished if the parties who had paid the compensation might with reasonable diligence have discovered the person really guilty—*e.g.*, if they had seen him coming from the locality where the killing took place,—because in such a case there was no fraudulent attempt at concealment.

An important element in the calculation of the amount of damages was the intention of the defendant both as to the person whom he intended to injure and the nature of the injury which he intended to inflict. When it was intended to slay an outlaw, the person actually slain might have been a "lawful" man, and conversely, when it was the intention to kill a "lawful" man, the slain may have proved to be an outlaw. No information is given as to the causes of outlawry. This is the more remarkable, inasmuch as the specific acts, which entailed this penal consequence, are detailed minutely in the English laws. Our modern idea of an outlaw is that of one who, having refused to obey the law, has been by a distinct judicial act declared *hors de loi;* in consequence of his violation of the law society withdraws its protection from him; having repudiated his civil duties he loses his civil rights. Such a process presupposes the existence of judicial authority (perhaps, rather, legislative authority, as in the case of the Roman privilegium), or of a feudal lord. The Welsh laws speak of an outlaw, as "one outlawed from the Lord's peace by a public act, or lawful banishment and process." (Welsh Laws. Cyvreithiau Cymru. iii., 13, page 595.) Such could not be the meaning of the word in a tribal society, the most remarkable characteristic of which was the absence of any public law or criminal procedure. Under the early English laws acts of an aggravated nature, such as "felling a man to death," &c., rendered the guilty party "utlah"; but the life of the outlaw was not therefore at the mercy of every man, but "all those who desired right" should seize him. "And if he so do that any one kill him, for that he resisted God's law or the king's, if that be proved true, let him lie uncompensated."* But according to the English law the outlaw when arrested took his trial, and compounded his act in the usual manner. Although outlawry in the later English laws (*e.g.*, Cnut., s. 13) entailed penal consequences, it originally was little more than an arrest on mesne process. The meaning of the term, also, as it occurs in the early English law, is inapplicable to the Brehon code, which nowhere conceives the idea of a compulsory process.

It is to be remarked that the text distinguishes two classes for whose death the full fine is not payable—viz., the person on whom it is right to inflict the retaliation of an injury, and the condemned outlaw. Both these parties suffer a "diminutio capitis," but the loss of his legal rights in the case of the former was partial, in the case of the latter absolute. He upon whom it was "right to inflict retaliation for an injury" must be one who himself had previously inflicted an injury upon the person who retaliated; from this it is clear that the outlawry did not simply arise from the commission of the act itself, and that some further deed was necessary to drive the guilty person out of the community—some formal act must have evidenced that he was so driven forth. The only act to which such consequences can be attached is a refusal to act in conformity with the tradition and custom of the tribe in fulfilling an award made in accordance with customary law. No judicial body existed to decree the expulsion of an individual from the community; but we know that in similar cases an organised body, formed in accordance with immemorial custom, could by a popular expression of universal disapproval drive from out itself the member who repudiated the principles upon which the whole social organism was established. Such was the mode in which a member of a Comitatus was expelled, as described in the well-known passage:—"At si . . terrâ perfugere maluisset, ad nemus usque pari militum curâ comitandus erat, cunctis tam diu in ejus abitu expectantibus, quousque procul ipsum abesse cognoscerent. Ac tum demum magno cum totius militiæ fragore ter valide edendus clamor, cunctaque strepitu miscenda fuerant, ne fugiturus ullo ad eos errore referri posset."* Some such process must have been absolutely necessary in every archaic community. Some circumstances must have been held to justify the expulsion, and probably some ceremony may have indicated that the member of the community who rebelled against the custom was cast out, and had become "friendless," "flyma," or "exlex."

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* The Laws of Edward and Guthrum, sec. 6.

In the text the word translated "outlaw" seems to be sometimes used in a double sense, as implying both one on whom it was right to retaliate a wrong, and also one belonging to the class of condemned outlaws. The head of the family was bound not to allow his house to be made a sanctuary by those upon whom a just vengeance could be inflicted, for he could not, by doing so, stop the course of legitimate revenge; and therefore no damages could be claimed by him if in such case the peace of his precinct were violated. The general principles upon which the commentary in page 137 proceeds are clear, although the rules there laid down are confused and obscure. If a man slay another in the house of a third party, he was guilty of a wrong towards, and was bound to pay damages to, both the kin of the slain and the owner of the house in which the slaying took place. The amount of the fine was, however, variable, according to the "intention" of the slayer; and the rights of the owner of the house to compensation, were affected, if he had harboured in his house an outlaw or wrong-doer. Hence six possible cases of homicide committed in the house of a third party arise; (1) If the intention be to slay a lawful man and he is slain; (2) If the intention be to slay a lawful man and another lawful man is slain; (3) If the intention be to slay a lawful man and an outlaw is slain; (4) If the intention be to slay an outlaw and a lawful man be slain; (5) If the intention be to slay an outlaw and he is slain; and (6) If the intention be to slay an outlaw and another outlaw is slain. If the act done be that which it was intended should be done, the assessment of damages was simple; but if the act was not that intended, damages had to be calculated with reference both to the act and to the intention; and the damages arising from the nature of the place in which the act was committed must have been affected by the conduct of the owner of the *locus in quo.* The difficulty in the commentary arises from the fact of fine for the "place" being represented as payable to the injured person, or to the person intended to be injured. It may be fairly conjectured that the commentator was discussing the several cases rather with the object of defining the amount to be paid, than the person to whom it was payable. With such correction the general rules may be summed up as follows:— If the intention was to kill a lawful man, and he was killed, all the full damages, both for the intentional act and the violation of the rights of the owner of the *locus in quo* were payable by the slayer. If the intention was to slay one lawful man, and another lawful man was slain in his stead, the intention of the wrongdoer and the act were practically the same, and the damages were as in the former case. If the intention was to slay an outlaw, and a lawful man was slain, in every respect, except the actual slaying, the slayer was in the same position as if he had slain an outlaw, and for the actual slaying of the lawful man, upon proof of the intention to slay an outlaw, only half body-price and half honor-price were payable. If the person slain was not a condemned outlaw, but merely a person against whom the slayer had a right to retaliate a wrong, two-thirds of the fine were payable; that is, in the general account between the families, the fine for the slaying of the original wrongdoer would be subject to a discount of one-third. If the slain was a condemned outlaw, the man who had slain him, intending so to do, was exempt altogether. If one outlaw was slain in the stead of another, the position of the slayer was the same as if he had succeeded in carrying out his original intention. By the term 'a fine for intention' is meant the fine payable upon an unsuccessful attempt to commit a wrong.

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* Saxo-Gram. (Ed. Stephani), p. 199.

The general impression produced by the rules in the commentary is that the attempt to commit an act was treated as equivalent to its commission, unless the result of the attempt were very insignificant. Thus, if an attempt were made to slay, or to inflict an injury which would endure for life, and blood were shed, the fine was the same as if the attempt had succeeded; if the injury did not amount to the shedding of blood, the fine was reduced one-half. If the intention were to inflict any specified injury, and a different injury was inflicted, a calculation was made of the total of "a seventh for intention, one-half for going to the place and the body-fine for inflicting the wound." And the plaintiff could elect between the result of this calculation, and the fine for the wound he intended to inflict and the fine for the wound which he actually inflicted.*

In the case of injuries inflicted on the person, the most important element in estimating the damages was naturally the nature of the injury itself; and it was therefore attempted to schedule all possible injuries at different amounts. The damages for each injury were calculated as a fractional part of the damages payable in case the injured person had actually been killed. It is evident from the commentary that no definite scale of damages had been universally established; the commentary commencing at page 345 differs in its mode of calculation from that commencing in page 349; and the author of the latter commentary, or a subsequent writer, notices the differences of opinion which existed. The following excerpts from the latter commentary give a fair idea of the mode of calculation. For the loss of the use of one leg, one hand, one lip, the tongue with loss of speech, the nose with loss of smell, the sight of an eye, or the hearing of an ear, there were payable half body-fine, half compensation, and the full body-price. In such a system of calculation the difficulty must have occurred that a person, who had received several injuries, might, although his life were spared, claim more than the amount of damages payable in the case of his death; the full body-fine, therefore, was naturally taken as the maximum which could be recovered for injuries inflicted upon any one occasion. When a person had once been maimed, and had recovered part or all of his body-fine, his position in the case of subsequent injuries was not altered for the worse. No subsequent wrong-doer could insist that the injured person should be rated as a damaged article. Compensation for the hand was according to some fixed at thirty-six 'screpalls', eighteen of which represented the thumb, nine the first finger of the right, or middle finger of the left hand, and the remaining fingers were rated at three screpalls each ; and this was again divisible among the three joints of each finger. As the classes of injury were defined by certain limits from each other, when an injury fell within a defined class, the fine or compensation for it would be the same, independent of its more or less aggravated character ; thus the compensation for cutting off an arm being fixed at a certain sum, it was immaterial whether the arm were cut off at the shoulder or at the elbow; similarly it was immaterial whether the leg were cut off at the knee or at the ancle. The rules as to the injury to the nail of a finger are interesting, as occurring in other codes. "If the top of his finger has been cut off him from the root of the nail, or from the black upwards, body-fine and honor-price *are paid for it* according to the severity of the wound; or if bleeding was caused in cutting off his nail, he shall have 'eric'-fine for bleeding on account of it. If it was from the black upwards, his nail was cut off him, *there shall be* one fine for a white blow on account of it."*

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* Page 139.

That the same injury might involve greater loss to one person than to another, and that compensation was not given by the strict traditional fine, was too obvious to escape observation; in some cases therefore the character and position of the injured party increased the amount of damages. Thus "a wing nail shall be given to the harper, if it was off him it (*the nail*) was cut."

If the wound were inflicted inadvertently in lawful anger, the payment was made upon a diminished scale ; but the commentary at page 347 is so obscure that it is impossible to extract any definite rules from it.

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* Page 353.

In some cases the amount of damages was diminished with reference to the character and position of the injured party, hence the strange rule that a decrepit man, and a man in orders were, if castrated, entitled to body-fine only "according to the severity of the wound;" but a layman (not decrepit) was entitled for the same injury to full body-fine, full honor price and complete compensation.*

The principle that the injuries are to be atoned for by pecuniary compensation, and that the amount of such compensation fluctuates with reference both to the nature of the injury and the rank of the parties, is common to all early Teutonic and Celtic codes; and this rule being once established, it follows that every such code must contain a classification of wrongs with reference to the amount of damages payable in respect of them. There is therefore nothing peculiar in the speculations contained in the Book of Aicill as to the damages to be paid in the several cases discussed. The obscurity which confessedly exists in the text is to be attributed neither to the nature of the subject nor to the character of the law, but rather to the mode in which the book has been composed, and the speculative tendencies of the commentators. Perhaps also, as it may be fairly surmised, there was no universally accepted scale of damages.

As an illustration of the identity of the principles of the Brehon law relative to torts, there is here subjoined a selection from the laws attributed to Æthelbirht, King of Kent, who was baptized by St. Augustine, and died after a reign of fifty-six years, according to Bede, on the 24th of February, 616 A.D.†

21. If a man slay another, let him make 'bōt' with a half 'leod-geld' of C. shillings.‡

23. If the slayer retire from the land, let his kindred pay a half 'leod.'

25. If any one slay a 'ceorl's' 'hlaf-œta,'§ let him make 'bôt' with vi. shillings.

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* Page 355.

† Eccl. Hist. B. 2., c. 5.

‡ That is, if one freeman (ingenuus) kill another.

§ Lit. loafeater, domestic servant.

26. If any one slay a 'læt'* of the highest class, let him pay lxxx. shillings; if he slay one of the second, let him pay lx. shillings; of the third, let him pay xl. shillings.

32. If any one thrust through the 'riht ham-scyld,'† let him adequately compensate.

33. If there be 'feax-fang'‡ let there be l. sceatts for 'bôt.'

34. If there be an exposure of the bone, let 'bôt' be made with iii. shillings.

35. If there be an injury of the bone, let 'bôt' be made with iv. shillings.

36. If the outer 'bion'§ be broken, let 'bôt' be made with x. shillings.

37. If it be both, let 'bôt' be made with xx. shillings.

38. If a shoulder be lamed, let 'bôt' be made with xxx. shillings.

39. If an ear be struck off, let 'bôt' be made with xii. shillings.

40. If the other ear hear not, let 'bôt' be made with xxv. shillings.

41. If an ear be pierced, let 'bôt' be made with iii. shillings.

42. If an ear be mutilated, let 'bôt' be made with vi. shillings.

43. If an eye be (struck) out, let 'bôt' be made with l. shillings.

44. If the mouth or an eye be injured, let 'bôt' be made with xii. shillings.

45. If the nose be pierced, let 'bôt' be made with ix. shillings.

46. If it be one 'ala,' let 'bôt' be made with iii. shillings.

47. If both be pierced, let 'bôt' be made with vi. shillings.

48. If the nose be otherwise mutilated, for each let 'bôt' be made with vi. shillings.

49. If it be pierced, let 'bôt' be made with vi. shillings.

50. Let him who breaks the chin bone, pay for it with xx. shillings.

51. For each of the four front teeth, vi. shillings; for the tooth which stands next to them, iv. shillings; for that which stands next to that, iii. shillings; and then afterwards, for each i. shilling.

52. If the speech be injured, xii. shillings. If the collar bone be broken, let 'bôt' be made with vi. shillings.

53. Let him who stabs (another) through the arm make 'bôt' with vi. shillings; if an arm be broken let him make 'bôt' with vi. shillings.

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* Latin lætus. Fiscalinus, a servant or member of the comitatus of the king.

† Right shoulder blade. ‡ A taking hold by the hair.

§ Probably the periosteum or outer membrane covering the bone.

54. If a thumb be struck off, xx. shillings. If a thumb nail be off, let 'bôt' be made with iii. shillings. If the shooting (*i.e.* fore) finger be struck off let 'bôt' be made with viii. shillings. If the middle finger be struck off, let 'bôt' be made with iv. shillings. If the gold (*i.e.* ring) finger be struck off, let 'bôt' be made with vi. shillings. If the little finger be struck off, let 'bôt' be made with xi. shillings.

55. For every nail a shilling.

56. For the smallest disfigurement of the face, iii. shillings; and for the greater, vi. shillings.

57. If any one strike another with his fist on the nose, iii. shillings.

58. If there be a bruise, i. shilling; if he receive a right hand bruise, let him (the striker) pay a shilling.

59. If the bruise be black in a part not covered by the clothes, let 'bôt' be made with xxx. scætts.*

60. If it be covered by the clothes, let 'bôt' for each be made with xx. scætts.

64. If any one destroy (another's) organ of generation, let him pay him with iii. 'leud-gelds'; if he pierce it through, let him make 'bôt' with vi. shillings; if it be pierced within let him make 'bôt' with vi. shillings.

65. If a thigh be broken, let 'bôt' be made with xii. shillings; if the man become halt, then the friends must arbitrate.

66. If a rib be broken, let 'bôt' be made with iii. shillings.

67. If a thigh be pierced through, for each stab vi. shillings; if (the wound be) above an inch, a shilling; for two inches, ii. shillings; above three, iii. shillings.

68. If a sinew be wounded, let 'bôt' be made with iii. shillings.

69. If a foot be cut off, let l. shillings be paid.

70. If a great toe be cut off, let x. shillings be paid.

71. For each of the other toes, let one-half be paid, like as it is stated for the fingers.

72. If the nail of a great toe be cut off, xxx. 'scætts' for 'bôt,' for each of the others make 'bôt' with x. 'scætts.'

86. If one 'esne'† slay another unoffending, let him pay for him at his full worth.

87. If an 'esne's' eye and foot be struck out or off, let him be paid for at his full worth.

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* A 'scætt' was the fourth part of a penny.

† Equivalent to mercenarius, peow, a menial servant.

Between the Irish and the English law there is no difference in principle. The distinction is in the form of expression; the Irish being preserved in what may be fairly considered as a practising lawyer's notebook, the English in an authorized and systematised digest. If, however, an attempt be made to apply the English law to any supposed case, the difficulty of so doing will be found to be as great as is experienced in a similar case under the Irish law.

Under both laws payments of a triple character are stated to be made in the case of torts; (1), the payment which was assessed in relation to the deed itself, the Ang. Sax. "bôt," styled mœgbôt, being the compensation to kindred in the case of homicide, and corresponding to the galanas of the Welsh law; such we must understand the body-price and compensation of the Brehon law; (2), the payment made with reference to the rank of the party concerned, the wergeld, leod-geld, or leod of the English law, perhaps corresponding to the Welsh gwyneb-werth and described in the Brehon law as the honor-price or eric; and (3), the "wite" of the Angl. Sax. law, a penalty paid to the king or chief for the breach of the custom or law, the Welsh camlwrw; to which it is suggested that the Irish dire-fine may correspond.* The expenses of the arbitration were provided for by the custom that the Brehon should receive one-twelfth on the amount awarded.† In the sixteenth century the remuneration of the judge and the fines inflicted had been arbitrarily increased.‡

The rules extracted from the law of Æthelbirht are in no wise peculiar to that code; similar passages might be extracted in abundance from any Saxon, Frisian, Gothic, or barbarian laws; nor does the resemblance lie only in the general principles; a series of specific rules common to the English and Teutonic and Irish laws might be collected, illustrative of the identity of all the early forms of Aryan society.

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* It is impossible to give any consistent or satisfactory explanation of the term 'dire'-fine. In the case of what would now be civil actions, hereinafter analysed, it was payable to the injured party, and not to be distinguished from the 'eric-fine.'

† Page 305.

‡ State Papers, H. viii., Vol. III., part 2, page 510.

To Alfred the Great belongs the merit of having conceived law to be something more than mere custom, as being founded upon the principles of moral right and wrong, revealed to man by God. It is with this view that he commences his code with a translation of the Ten Commandments as the original source of all criminal law. As a corollary to this declaration of God's will, and in the spirit of the Levitical law, he announces that certain acts are crimes, and to be punished as such. Section 13 says:—"Let the man who slayeth another willingly perish by death. Let him who slayeth another of necessity, or unwillingly or unwilfully, as God may have sent him into his hands, and for whom he has not lain in wait, be worthy of his life, and of lawful 'bôt,' if he seek an asylum. If, however, any one presumptuously and wilfully slay his neighbour through guile, pluck thou him from mine altar, to the end that he may perish by death."

This idea of law founded on moral right and wrong was apparently introduced into Ireland, as before suggested, upon the first preaching of Christianity, and appears in isolated passages in the Corus Bescna—a work evidently composed under ecclesiastical influences—but it never acquired such a hold on the popular mind of the Irish as it did elsewhere, so far as to supersede the archaic ideas of the customary law.

The compensation and honor-price, awarded in respect of any injury, were primarily payable by the wrong-doer, and received by the person injured; but there existed a solidarité between persons standing in certain relations to each other, whereby parties, strangers to the transaction, might be required to pay, or entitled to receive, a portion of the award.

The first and most obvious of such relationships was that of the family. If the wrong-doer himself failed to pay the amount awarded against him, the members of his family were liable in a secondary degree, and were required to make good his default, the right being reserved to them to recover the amount due against the wrong-doer himself, as being the party primarily liable. If they desired to relieve themselves from such contingent responsibility, they were required to expel from their body the member for whose ill-deeds they refused to be any longer responsible, and by a fixed payment to insure themselves and their property against the consequences of his subsequent acts.* The member thus disowned by his kin, and expelled from his family, became, what was styled, "an outlawed stranger." This process is described in the following passage:—

"What is it that makes a stranger of a native freeman and a native freeman of a stranger? That is, an outlawed stranger; he is defined to be a person who frequently commits crimes, and his family cannot exonerate themselves from his crimes by suing *him for* them, until they pay a price for exonerating themselves from his crimes, *i.e.*, seven 'cumhals' to the chief, and *seven 'cumhals' for* his seven years of penance are paid to the Church, and his two 'cumhals' for 'cairde'-relations *are paid* to each of the four parties with which he had mutual 'cairde'-relations; and when they (*the family*) shall have given in this way, they shall be exempt from his crimes, until one of them gives him the use of a knife, or a handful of grain; or until he unyokes his horses in the land of a kinsman out of family friendship." The acts specified are, of course, only selected overt acts, proving his re-admission into the family.

The payments thus made by the family formed the fund for the compensation of the wrongs which might subsequently be committed by the expelled member. The seven cumhals in the hands of the chief formed the primary fund for the compensation of future wrongs committed, irrespective of the status of the injured party. The seven cumhals paid to the Church remained solely liable to meet subsequent damages claimed by the Church, upon the fiction that the amount paid to the Church represented penance. The cumhals paid to the parties with whom he had cairde-relationships, remained to meet damages arising from injuries subsequently committed against such persons.

It became the duty of the king to restrain the outlaw, if he were not taken into the employment or hire of any person; if the king neglected to perform this duty, he himself became liable to pay the compensation for subsequent wrongs committed. If the outlaw were received by any person upon his lands as a retainer or hired servant, the employer then became liable for his acts, but was in such case entitled to his body-fine, the amount of which was reduced from the rate of the native freeman to that of a stranger. If the king did not fail in his duty, and the outlawed criminal were not on the land (and in the employment) (?) of any person, he might be slain with impunity. The person who received in his house such an outlaw, became liable for his acts: "If a particular person feeds him, he shall pay for his crime according to the nature of his feeding before or after committing the crimes. Full fine *is to be paid* for the feeding before committing crimes, and half fine for the feeding after committing crimes. * * * The full fine is paid on account of kindred, and the half fine is paid on account of feeding."* The meaning of this would appear to be that in the former case the criminal, at the date of the commission of the crime, was "domiciled" in the house of his entertainer, and there existed between them the relationship of *quasi* kinship.

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* Page 381.

The passage already cited illustrates the relation of suretyship which existed between an employer and those received into his household in a servile or menial character.

There is no means of ascertaining who are the parties that would have been considered as the family or kindred of any criminal or injured party. The analogy of the cases of the host or employed would lead to the supposition that the family obligation arose not from the blood relationship solely, but required the additional element of common residence. It is, however, clear that under similar customary laws the liability of kinship existed without the additional circumstance of residence in a common household. Thus, in the laws of Alfred, section 27—"If a man kinless of paternal relatives, fight, and slay a man, and then if he have maternal relatives, let them pay a third of the wēr," &c.; thus also the spear-penny (ceiniog baladr) of the Welsh law was payable by every male relative within the seventh degree of the homicide as his contribution towards the galanas or compensation.

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* Page 385.

A similar liability affecting the kindred or the lord of the wrong-doer, and a mode of escaping it, appear frequently in the English law: *e.g.*, "And he who oft before has been convicted openly of theft, and shall go to the ordeal, and is there found guilty; that he be slain, unless the kindred or the lord be willing to release him by his 'wēr,' and by the full 'ceap-gild,'* and also have him in 'borh,' that he thenceforth desist from every kind of evil. If after that he again steal, then let his kinsmen give him up to the reeve to whom it may appertain, in such custody as they before took him out of from the ordeal, and let him be slain in retribution of the theft" (Æthelstan Judicia Civitatis, Lund. i., 4). And, again; "respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote; and if they then will not or cannot produce him at the term, then be he thenceforth a flyma, and let him slay him for a thief who can come at him; and whoever after that shall harbour him, let him pay for him according to his 'wēr,' or by it clear himself" (Æthelstan, i., 2).

Whoever received a stranger in his house became liable for the acts of his guest. There is much difficulty in ascertaining what were the rules of the Brehon law on this subject. The commentary, in page 409, admits that there were uncertainty and conflict upon this point, both in the rules of the cain and urrudhus law, and in the opinions of the lawyers. It is impossible to extract from the commentary any distinct principles. It appears that the obligation affected the seven houses in which he had been consecutively entertained, but how much was paid and in what proportions it is difficult to assert. This obligation arising from hospitality appears in all ancient codes:—"If a man entertain a stranger for three days at his own home, a chapman or any other who has come over the march, and then feed him with his own food, and he then do harm to any man, let the man bring the other to justice, or do justice for him." (Hlothhære and Eadric, sec. 15):—Again, it is enjoined, "That no one receive any man longer than three nights, unless he shall recommend him whom he before followed; and let no one dismiss his man before he be clear of every suit to which he had been previously cited." (Cnut, sec., 28.) The section cited from the law of Cnut, appears literally translated into Latin, as section 48 of the laws of the Conqueror. It again appears in the laws of Henry the First, in an expanded form:—"Nemo ignotum, vel vagantem, ultra triduum, absque securitate detineat, vel alterius hominem, sine commendante vel plegiante, recipiat, vel suum a se dimittat, sine prelati sui licenciâ et vicinorum testimonio, quietum eciam in omnibus, in quibus fuerit accusatus" (par. viii., sect. 5). It is to be observed that the liability under the Irish law went further than that created by any of the sections above cited, in extending the obligation to a series of successive hosts, and rendering them liable for crimes committed before or during the residence of the guest; on the other hand, it would appear that this obligation under the Irish law did not arise unless the guest was either a vagabond, *i.e.*, a person guilty of the non-observance of the corus-fine law, or a person expelled by his kindred from his original family.

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* The marked price of the article stolen.

The principle of compensation for wrongs inflicted acquired an extension under the Irish system, which it possessed under no other law. The ingenuity of the lawyer caste discovered that any single act might involve wrongs to many different persons, according as the transaction was viewed from different standpoints. Thus the criminal might be required to pay many distinct compensations to different persons, for the consequences of a single act affecting them severally in divers capacities. If the payment of the compensation was to free the guilty party from all liability, it necessarily followed that all the parties entitled to compensation should be made parties to the suit, and their respective claims ascertained and adjusted.

These refinements of the archaic principle of compensation are well illustrated in the case of a theft from a dwelling-house. The questions of compensation, which arose from such an occurrence, were complicated in the view of even the Brehon lawyers :—"The fine for *stealing from* a house is a difficult fine." To realize the rules laid down upon the subject, we must imagine the house of a saer-stock tenant or other member of the tribe, a large building with various nooks and recesses, which were allotted to its inmates for their sleeping apartments ("the beds"), and suppose a thief to enter the house and steal an article from some one of these compartments. The person primarily injured was the owner of the article stolen; but in a secondary degree the owner of the house had a right to complain of the violation of his precinct, and as the owner of the house complained of the illegal entry into his house,* so the owner of the "bed" complained of the intrusion upon the compartment belonging to himself exclusively. If the owner of the bed had lent it temporarily to a third party, he also complained of the violation of his privacy. It might be expected that the list of injured persons would stop here, but it was further discovered that the violation of the house was an insult to any chief who was accustomed to require hospitality at the hands of the owner of the house. Here some limit had to be fixed and compensation could be required by no more than seven "noblest of chiefs of companies, who came on a visit to the house." On the occasion of such a theft, eleven honor-prices are considered, *viz.*, honor-price to the owner of the house, and honor-price to the owner of the 'sed' (the article stolen), and honor-price to the owner of the bed, and honor-price to the person to whom the bed was given, and honor-price to each of the seven noblest chiefs of companies who came on a visit to the house; and the one-and-twentieth part of each honor-price of them is due to the owner of the house, except that of the owner of the 'sed,' and that of the owner of the bed; that is, the owner of the article stolen and of the compartment from which it was stolen, were exempt from contribution to the owner of the house, as they stood in the same position as he, if they did not possess a right as against him to protection whilst within his dwelling. It appears that if the article stolen was the property of the owner of the house, he lost his claim to contribution from the other parties respectively entitled to damages. This seems inconsistent with the statement, that those who had to contribute towards the indemnity of the owner of the house out of their respective honor-prices, were required to do so because "it is in right of the owner of the house that anything is *due* to them."*

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* Page 459.

If the number of chiefs who frequented the house, and under whose protection the dwelling may have been supposed to be, exceeded the number of seven, the honor-prices of the seven noblest of them were divided among them "equally or unequally." This may mean that if they were of equal rank they took equal shares, but if of unequal rank they took in the ratio of the honor-prices of their respective ranks.

The honor-price which any such chief received, he did not retain if he had company with him when he visited the house, in which case he paid over to his company one-half of what he received.

In this commentary, as in most others, there is much ambiguity and obscurity, and the interpretation must vary according as it is taken to state a general custom or to report a special case. If the latter view of the passage be correct, the chiefs in question must be supposed to be partaking of the hospitality of the owner of the house at the date of the theft. It would further appear that the occupant of the bed must have borne some exceptional relation to the owner of the house, such as "a son-in-law, or a soldier, or a particular person," to entitle him to any claim as against the wrong doer.

It is difficult to estimate the operation of a system of compensations for wrongful acts in restraining crime and maintaining order. That such a system was in the earlier stages of society efficient for such a purpose is evident, from the fact that similar customs were established in all the tribal societies of the Aryan stock. They were universally adopted, because they were universally found to be advantageous. Imperfect as such institutions are, they were an improvement upon the antecedent condition of family autonomy, or private war. The success of such a system depended upon a general equality of all the members of the tribe in power and wealth, and the blind submission to custom, which exists in an early stage of society. If there arise an inequality of wealth and power, and the old customs and traditions of the tribe lose their hold upon the public mind before a sovereign ruler succeed in establishing himself, the system of compensation for wrong doing becomes essentially mischievous, as antagonistic to all ideas of moral responsibility. Among the Teutonic nations kingship arose as a necessary consequence of their invasion of the Empire; and some central government being established, the system of compensation was transformed into a system of mulcts or pecuniary punishments. If traditional customs cease to be blindly and implicitly obeyed, and there is no central authority, anarchy must ensue in the absence of a positive law enforced by an executive. The wrong-doer, if powerful, despised the private vengeance which was the only sanction of the Brehon's judgments; the injured party, if powerful, preferred revenge to compensation; the wealthy, even if obeying the custom, enjoyed a practical immunity from punishment. It cannot be doubted that to a persistent adherence to the idea of compensation atoning for injury, and to a want of perception of the criminality of any act, much of the disorder and lawlessness apparently inherent in the Irish Celtic tribes must be attributed. A personal sense of sin is entirely different from a consciousness of crime or illegality. Though it be very material to himself, it is indifferent to society whether a criminal do or do not repent of his ill deeds. The wealthy or high-handed wrong-doer might in his latter days retire into a monastery and do penance for his sins, but he never imagined that he violated any duty towards society as long as he paid the damages awarded, or defied private vengeance. The consequences of the crystallization of archaic customs in a written code administered by an hereditary law caste appear in the constant acts of violence which occupy so much of the Annals of the Four Masters.

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* Page 461.

It is now necessary to consider the Brehon law as applied to cases which in a more advanced system of jurisprudence would be considered as private wrongs, and which therefore fall within the jurisdiction of the civil as distinguished from the criminal tribunals.

The principles upon which the Brehon law, as well as all archaic systems of jurisprudence, proceeded in cases of acts of manifest violence committed by one member of a community against another, are reasonable and obvious. It was desired that certain fixed damages should in such cases be received by the injured party or his kinsmen in lieu of the revenge which they might otherwise have exacted. In such cases, as has been before observed, the amount of the sum to be paid is estimated with reference to the capacity of the injured party to exact retribution, and the extent to which in each case he would have been under ordinary circumstances likely to have exercised this power. The actual damage occasioned by the act in question rarely forms an element in the ascertainment of the damages. In an action under Lord Campbell's Act, by the representatives of a deceased person who had lost his life through the negligence of the defendant—a proceeding which bears an apparent resemblance to an arbitration under the Brehon law in the case of a homicide—the loss of income entailed upon the family of the deceased is the measure of the damages recovered. Such an idea was foreign to archaic jurisprudence, in which the circumstances attending the act, and the rank of the respective parties, are the basis on which the amount of the payment was calculated.

This radical defect in the calculation of the amount to be paid is explicable, if it be borne in mind that the object cf the proceeding was rather the preservation of the peace of the community than the replacing of the plaintiffs to the suit in the position which they had previously occupied—atonement, using the word in its literal sense, rather than compensation, was the result to be attained. In an early tribal or village community, in which property was held rather by families than individuals, and the means of supporting life arose chiefly from the cultivation of the land, the pecuniary injury arising from the death of an individual would not be so perceptible as in an advanced society, where families depend for subsistence upon the daily earnings of their head. If the decisions of the Brehons had been confined to disputes arising from acts of violence, the insufficiency of the principles, upon which damages were assessed by them, would have been immaterial; but it became of importance when the cases brought before them for decision were of a civil rather than a criminal nature.

When the Brehon had been established as the professional arbitrator between members of the community, there was established a tribunal before which all disputes between members of the community could be easily determined, and it is evident that there arose a considerable amount of litigation essentially different from the disputes which it was the primary object of the jurisdiction of the Brehon to allay.

It is manifest that actions arising from involuntary or accidental injuries, or from violations of a legal regulation not accompanied by violence, must be treated in an altogether different mode from that applicable to acts at once wilful and violent. The former class could be satisfactorily arranged by compensation in the strictest sense, the latter are not really capable of such treatment.

The later date of the civil, as compared with the criminal procedure under the Brehon law, is marked by the fact that the principles applicable to cases of violence, in the point of view in which they were regarded in the archaic law, were applied to cases which in modern procedure would be considered as the subjects of civil actions, not of criminal proceedings.

It is not intended to be here asserted that the principle of compensation in such cases was unknown to the Brehon law; it is impossible that a doctrine so obvious could have been overlooked by professional arbitrators, and in many cases it forms one of the grounds upon which damages were assessed. It was, however, never adopted as the sole measure of damages, the estimation of which in all cases was rather a question of law than of fact, the nature of the injury itself and the rank and position of the parties being of more weight in the decision than the loss actually entailed. In taking accounts between the parties to a suit, numerous items would be introduced wholly foreign to the inquiry if conducted under any system of modern law; a vast number of technical rules and arithmetical processes would be introduced into every decision, the result of which must have been in some cases to exaggerate, in others to diminish, the damages above or below the amount sufficient to indemnify the injured party.

The substitution of technical rules for the obvious consideration of the facts of the case is a radical defect running through the Brehon law, so far as it deals with what now would be considered civil actions. This false principle becomes more obvious in proportion as the action to which it is applied resembles what would now be considered as an action upon a contract. It being admitted that an homicide should be arranged upon the principles adopted in the Irish and other archaic systems of law, it is not unreasonable that a violent assault or wounding should be dealt with in the same manner; but when the damages in a simple case of negligence, or in an action on the case, or in the case of a liability arising from suretyship, are assessed upon the same principles, the anomaly is obvious. This peculiarity and defect in the Brehon law can be best illustrated by reference to instances which are selected from the text of the present Tract.

The first case to be considered is that of injuries arising from the negligent exercise of a legal right, which in our law would assume the form of an action of tort—the wrong in the case being the negligence and disregard of the interest of others. Of this class of actions there are numerous instances in the present Tract, and they are all dealt with upon the same principles. These cases fall under the head of what are called "exemptions"—that is, the consideration of the attendant circumstances which tend to diminish the amount of damages to be paid in the case in question.

The principle upon which these discussions turn is, that certain acts between certain parties are to be compensated by fixed payments, but that certain circumstances enable the defendants to reduce the amounts according to certain rates, or to get cross credits on the account to be settled by the Brehon.

In page 175 we find a discussion as to injuries which arise from acts done by servants in the course of their ordinary duties. The work on which the servant is supposed to be employed is cleaving faggots and bringing them home. The legal propositions contained in the commentary may be summarized as follows:—

(I). A servant performing the work, which he is bound to perform, in the ordinary and proper manner, is not liable for injuries by accidents incident to the work in which he is engaged.

This proposition is, of course, subject to the assumption that the work which he was hired to perform, is in itself legal. Hence it appears from leading cases cited in the commentary that—

(*a*). If the faggot which a servant carries home was so improperly made up that an accident arose therefrom, the servant who carries it is not responsible if he has no notice of the improper mode in which the faggot had been made up.

(*b*). If a servant use a hatchet without notice that it is insufficiently fastened, he is not responsible for any accident which arises from the head flying off from the haft; but this applies only to the first occasion on which such an accident happens.

(II). A distinction is drawn between persons who are bound, or have a right to be, present, and those who are present without reasonable or necessary cause, hence—

(*a*). If an injury happen during the making-up of a faggot, those who have no duty which requires them to be present can claim no compensation; but those whose duty requires their presence, and the owners of cattle, whose beasts are nigh the spot, can claim compensation if injury be done to the former, or to the cattle of the latter.

(*b*). If a faggot be cast down in the ordinary and usual place, and in so doing injury be done to any or the cattle of any, those who have no duty requiring their presence can claim no compensation; but those whose duty requires their presence, and those whose cattle are injured, can claim compensation, the amount of damages is however reduced from half dire-fine to one-third of compensation.

(III). There is next a distinction drawn between the acts of a person who exercises a legal right in the ordinary and customary manner, and those of one who exercises a legal right in an extraordinary manner, hence—

(*a*). If a faggot be cast down in an unusual place and an injury thence occur, those present, although no duty requires their presence, are entitled to half compensation; those whose duty requires their presence, to full compensation; and the owners of cattle which are injured, to half dire-fine and compensation if the cattle could have been seen, and to compensation alone if they could not have been seen.

(*b*). If the injury has occurred during the cutting, or gathering, or tying of the sticks, or their adjustment upon the back of the servant, those whom no duty requires to be present receive no compensation; in all other cases the amount payable is reduced from half dire-fine to one-third of compensation.

(*c*). If an injury result from the slipping of the tying of the bundle, the same principles are applicable as in the case of the head of the hatchet flying off the haft; if the bundle be tied again in the usual manner, each case of its breaking loose is treated as a first breakage. These rules as to the breaking of the bundle are to be restricted to cases in which the accident occurs in the course of its regular transit.

(*d*). If the bundle be placed upon a wall or uneven fence (places where it was exposed to accidents), the transaction, though legal, involves a liability for the consequences of the negligence.

(*e*). If the accident happen from insufficient tying, the servant without notice is in the same position as if he laid down the bundle in the usual place; if he have notice, he is in the same position as if he laid it down in an unusual place.

(IV). The amount of the damages is affected by the existence or absence of negligence on the part of the defendant, and by the contributory negligence of the injured party; thus—

(*a*). If the bearer saw the injured person, who did not see him and was not aware of the place where the faggots were usually deposited, the bearer pays an eric-fine to the injured person, because he saw him, and the injured person pays an eric-fine to the bearer for not having seen him.

(*b*). If the injured person saw the bearer, and knew the place in which the faggots were usually deposited, and the bearer did not see the injured party, "eric-fine for seeing" is due from the injured person to the bearer, and "eric-fine for not seeing" is due from the bearer to the injured person.

(V). The amount of the damages payable by the plaintiff is affected by his status in the inverse ratio of his rank; thus—

(*a*). The full amount of compensation is payable by a native freeman; four-sevenths by the servant of a stranger; two-sevenths and one-fourteenth by the servant of a foreigner; and one-seventh by the servant of a 'daer'-person.

(*b*). For injury to a cow the full amount is payable by a native freeman; three-fifths by the servant of a stranger; two-fifths by the servant of a foreigner; one-fifth by the servant of a 'daer'-person.

(*c*). For injury to a horse the full amount is payable by a native freeman; three-fourths by the servant of a stranger; five-ninths by the servant of a foreigner; half by the servant of a 'daer'-person.

In the commentary here analysed there are contained all the questions which in the present day should be taken into account for the purpose of increasing or mitigating the damages in an accident arising from the use of a machine; viz.—(1), the knowledge or ignorance of the defendant as to the defect from which the accident arose; (2), whether the act of the defendant was or was not in the ordinary course of his business; and (3), the contributary negligence of the plaintiff.

But it is to be remarked that the amount of damages, to be diminished or increased with reference to the above considerations, is not primarily to be measured by the actual injury and loss suffered by the plaintiff. A fixed compensation having reference to the class in which the injury falls and to the rank of the person injured is assumed; and thus the actual amount is reduced or diminished, and moreover the result so arrived at is again subject to deduction with reference to the social position of the person by whom the injury was inflicted.

These cases have been selected as leading cases, with reference to actions of tort founded upon negligence, inasmuch as the subsequent cases discussed are evidently introduced merely for the purpose of illustrating the principles laid down in what was considered the leading case upon the subject.

The position and character of the Brehon, viz., that he was employed by the parties to the suit to perform a specific service, is illustrated by the fact that he was himself subject to damages for a "false judgment," and by the principles upon which, in such a case, the amount would be assessed. The amount of the damages would depend upon the following issues—(1), whether the 'false' judgment was pronounced through 'malice' or 'inadvertence'; (2), whether or not the Brehon still adhered to his 'false' judgment; and, if so, (3), whether he did so through malice or inadvertence. The highest amount of damages was payable in the case of a 'false' judgment maliciously given and maliciously adhered to; the most mitigated case, viz., a 'false' judgment inadvertently given and not adhered to, which was equivalent merely to a failure of the consideration, entailed only the forfeiture of "his twelfth" *i.e.* his remuneration.*

The calculation of the damages payable to a person injured by a trap set for a deer, or by the deer while being driven toward the trap, appears from the references made to it to have been considered a leading case by the Brehon lawyers.† The varying elements by which in such a case the amount of damages was determined were as follow:—(1), Whether the person who set the trap had or had not a legal right to do so; (2), whether the trap was properly fenced in, and due notice given of its existence; (3), the nature of the place in which the trap was placed; (4), whether the injury was done to a person or to cattle, and, if to the latter, of what species; (5), whether the injured person had (*i.e.*, ought to have had) knowledge of the place where the trap was set; and (6), whether the injured person was guilty of contributory negligence by unnecessarily deviating from the high road.

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* Page 305. † Page 449.

If the trap were fenced in, and due notice given, a person who knew the territory was entitled to no compensation; in the same case, a person who did not know the territory was not himself entitled to compensation, but in case of his death his kinsmen were entitled to one-third 'dire' fine.

If the spear were set "between a green and a wild place," for an injury to a person, there was payable one-fourth dire-fine with compensation; for injury to a cow, one-third of dire fine with compensation; for injury to a horse two-thirds of dire-fine with compensation; but if the spear had been set in a mountain or wild place, the respective proportions of dire-fine payable in the several cases were reduced to one-fourth of one-fourth, one-third of one-third, and two-thirds of two-thirds, with compensation in each case.

If the hunter were "unlawful", *i.e.*, if the hunting was an illegal act, the amount of dire-fine in each case was fixed in a greater ratio.

The number of cases in which the possible damages could be calculated in accordance with the above heads of injury, is necessarily very large, and the principles are not clearly brought out in the commentary; a complete analysis therefore of this passage is impossible, but the passage deserves consideration as a specimen of the manner in which such questions were worked out.

"The full *fine* which is *due* from them in a green is found *in law books;* but the full *fine* which is *due* from them all between a green and a wild place, or in a mountain, or in a wild place is not found, but is inferred from the pitfall of the unlawful hunter.

"Whence is it derived that three-quarters of 'dire'-fine are *due* from the *owner of the* set spear *when* between a green and a wild place for *injury to* a person? It is derived from *the rule respecting* the pitfall of an unlawful hunter in a green; for it is three 'cumhals' of 'dire'-fine, and one 'cumhal' of compensation that are *due* from *the owner of* it in a green for *injury to* a person, the fourth of that is the 'cumhal' which is *due* from it *when* between a green and a wild place for *injury to* a person; it is right from this that as it is full 'dire'-fine that is *due* from *the owner of* the set spear in a green for *injury to* a person, it is the fourth of 'dire'-fine that should be *due* from it between a green and a wild place for *injury to* a person.

"Whence is it derived that the third of 'dire'-fine is *due* from *the owner of* the set spear *when* between a green and a wild place for *injury to* a cow? It is derived from *the rule respecting* the unlawful pitfall within the green; for *it is* two cows of 'dire'-fine and one cow of compensation that are *due* on account of it *when* within the green. The third of that is the cow of compensation that is *due* on account of it *when* between a green and a wild place for *injury to* a cow; it is right, therefore, that as full *fine* is *due* from *the owner of* the set spear in a green for *injury to* a cow, it is a third *of it* that should be due from *the owner of* it (*the set spear*) *when* between a green and a wild place for *injury to* a cow," &c.*

The same rigid and authoritative mode of assuming the damages, irrespective of the actual injury sustained, appears in the commentary upon the case of injuries received from the stings of bees which were the property of an individual. In this case the amount of the fines is laid down as follows:—(*a*) for a person stung to death, two hives; (*b*) for a person blinded, one hive; (*c*) for the drawing of blood, a full meal of honey; (*d*) for an injury leaving a lump, one-fifth of a full meal; and (*e*) for a white blow, three-fourths of a meal.† In this commentary, evidently contributed by various hands, other schedules of the amount of damages are contained, but the general principles are the same. If the person stung killed the bee which stung him, the value of the bee was treated as a set off *pro tanto* against the damages payable for the injury caused by the sting. " If the person has killed the bee while blinding him, or inflicting a wound on him until it reaches bleeding, a proportion of the full meal of *honey equal to* the 'eric'-fine for the wound shall be remitted in the case; the remainder is to be paid by the owner of the bee to the person *injured*," &c.* The amount payable for the different classes of injuries to persons being thus fixed, the compensation in respect of similar injuries to beasts, has to be ascertained. This is accomplished in the following passage:—" What shall be *due* from the *owners of the* bees for the animals *injured*, and from the *owners of the* animals for the bees? If the bee has blinded or killed the animal, what shall be *the fine* for it? The proportion which the hive that is *due* from *the owners of* the bees bears to *the fine for their* blinding the person, or which the two hives that are *due* for their killing him bear to the natural body-fine of the person, is the proportion which the full natural 'dire'-fine of the animal shall bear to that *fine* which shall be *due* from the bee for blinding or killing it."† " What shall be *due* from a bee for making the animal bleed? The proportion which the full meal of honey that is *due* from a bee for making *a person* bleed bears to the hive that is *due* from it for killing him, is the proportion which the 'eric'-fine for blinding or killing the animal bears to that which will be *due* from a bee for making it bleed, *i.e.*, four-fifths is the proportion for its lump-wound, three-fifths for its white wound," &c.‡

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* Page 455.

† Page 433.

The amount payable by the owner of the bee varied further with the social status of the parties. Taking the fine paid by a native freeman as the measure of the amount, a stranger paid one-half; a foreigner one-fourth; a 'daer'-person paid nothing, " until it reaches sick-maintenance or compensation, or, *according to others*, even when it does." §

The mode in which the Brehon took the account appears very clearly in such a case. If the bee of A injured the cow of B, he would have proceeded thus: he first ascertained under what category the injury in question fell, and obtained the fixed value of such an injury in the case of a human being. This amount was then diminished in the ratio that the natural body-fine of B, the owner of the cow, bore to the full dire-fine for killing a cow. The result thus obtained would, if A, the owner of the bee, were not a native freeman, be diminished in a fixed ratio according to his rank; thus would be ascertained the amount to be placed primarily to the debit of A. This would be again diminished if the bee of A had been killed by the cow of B in accordance with certain fixed rules, which roughly arrived at regulating the penalty for killing the bee in the inverse ratio of the degree of injury which it had inflicted.

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* Page 435. † Page 435. ‡ Page 437. § Page 439.

The most remarkable application of the law of compensation to a case of contract is the series of rules regulating the relations between creditors, debtors, and sureties,* the object of which seems to have been not merely to enforce the payment of debts, but also to restrain the institution of unjust actions. Fairly to estimate the policy of these regulations, the irritating and apparently violent procedure necessary to enforce a reference to the Brehon must not be forgotten. They may be stated as follows:—

A. (1.) If a creditor *malâ fide* bring a suit against a debtor before the debt be payable, he forfeits the debts and pays the debtor five 'seds' and honor-price;
  (2.) If he do so *bonâ fide* he forfeits the debt and pays five 'seds ;'
  (3.) If he fast against the debtor, certainly believing the money to be payable, he pays five 'seds' to the debtor.

B. (1.) If a creditor *malâ fide* proceed against a surety before the debt is payable or the debtor had absconded, he pays five 'seds' and honor-price, and loses all right of action against the surety;
  (2.) If he fast against the surety *bonâ fide*, being certain he had the right to do so, he pays five 'seds' and loses his right of action.

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* Page 513.

C. (1.) If the surety *mala fide* proceed against the debtor before he himself has been called upon by the creditor to pay the debt, he pays five 'seds' and honor-price, and if compelled by the creditor to pay the debt, loses his right of action against the debtor;

(2.) If he do so *bona fide*, he pays five 'seds,' and if compelled to pay the debt, loses his right of action against the debtor;

(3.) If he fast against the debtor, being certain he had a right to do so, he pays five 'seds' to the debtor, but the debtor still remains liable to pay the debt to the original creditor. To this rule, in the Commentary, the remark, evidently a note by a subsequent commentator, referring to a decided case, is annexed, viz.:—"He (*the debtor*) offered *to submit to* law in each case of these (that is, in cases A 3, B 2, and C 3); for if he had not so offered, the man within in this case *(the debtor against whom there was fasting)* would be *like* 'the person who refuses its lawful right to fasting.'"

D. (1.) If the creditor properly proceeds against the debtor, who thereupon absconds, in such case the surety, who *mala fide* refuses to pay the debt, is liable to pay five 'seds' honor-price, and double the debt; but

(2.) If he *bona fide* refuse to do so, he pays five 'seds' and double the debt only;

(3.) If he refuse, being certain that he was not bound to pay the debt, he pays five 'seds' and double the debt.

E. (1.) If the surety properly sue the debtor, who *malâ fide* absconds, the latter pays the surety five 'seds' and honor-price.

(2.) If the absconding debtor believe *bonâ fide* that the debt is not payable, he pays five 'seds' to the surety.

(3.) If the absconding debtor be certain that the debt is not payable, he pays the surety five 'seds.'

F. (1.) If a plaintiff, being certain that nothing is due, proceed against a defendant to recover an alleged debt, he pays five 'seds' and honor-price, and a fine according to the length to which the action had proceeded.

(2.) If the plaintiff proceed *bonâ fide*, he pays five 'seds,' and a fine, as in the last rule;

(3.) If he proceed, being certain the debt was due, he pays five 'seds.'

G. (1.) If the plaintiff proceed against an alleged surety, knowing that he had not gone security for the debtor, he pays five 'seds' and honor-price, and a fine as above;

(2.) If he proceed *bonâ fide*, he pays five 'seds' and a fine as above;

(3.) If he proceed, being certain that the defendant is in fact a security for his debtor, he pays five 'seds.'

H. (1.) If a person, untruly alleging that he has made a payment as surety for a third party, bring an action against such third party, he pays five 'seds' and honor-price, but no fine.

(2.) If he bring the action *bona fide*, or being certain that the defendant is primarily liable, he pays but five 'seds.'

In this case it is evident that a proceeding purely civil is complicated by the introduction of the idea of a tort having been committed in a manner wholly foreign to our modern ideas.

The confusion existing in archaic law between crimes and torts or delicts has been often noticed, but it has not been generally observed that in such a case as that last referred to, there is a similar confusion between crimes and torts on the one hand, and rights arising *e contractu* on the other. This confusion of crime, tort, and contract, does not arise from any illogical distribution of legal rights, for there is no attempt at any classification of this description, but from looking upon actions at law exclusively with reference to the jurisdiction of the judge and to the procedure.

There was an equal absence of original jurisdiction in proceedings upon a tort, or in proceedings to enforce a contract. An actual wrong, and the breach of an agreement, would alike be followed up by acts of hostility on the part of the injured person directed against the wrong-doer. In both cases alike the interference of the Brehon would represent the action of traditional public opinion restraining the justifiable retaliation of the sufferer, upon the terms of the payment to him of a fixed compensation; in both cases the action was commenced by a distress—a symbolical and regulated act of hostility—upon the commission of which, custom compelled the litigants (or private enemies) to submit their quarrel to arbitration.

In a proceeding which we should now consider a civil action, the distress and subsequent arbitration of the Brehon represent the same ideas as those upon which were founded the procedure in the Roman process known as the "Actio Legis Sacramenti." In this latter case the subject-matter in dispute was supposed to be in court; if movable, it was actually so; if immovable, it was symbolically represented. "In the example selected by Gaius the suit is for a slave. The proceeding begins by the plaintiff advancing with a rod, which, as Gaius expressly tells us, symbolizes a spear. He lays hold of the slave and asserts a right to him in these words: 'Hunc ego hominem ex jure Quiritium meum esse dico secundum suam causam sicut dixi;' and then saying: 'Ecce tibi vindictam imposui,' touches him with the spear. The defendant goes through the same series of acts and gestures. On this the Prætor intervenes and bids the litigants relax their hold: 'Mittite ambo hominem.' They obey, and the plaintiff demands from the defendant the reason of his interference, 'Postulo nunc ut dicas quâ ex causâ vindicaveris?'—a question which is replied to by a fresh assertion of right: 'Jus peregi sicut vindictam imposui.' On this the first claimant offers to stake a sum of money, called a sacramentum, on the justice of his cause: 'Quando tu injuria provocasti D. æris sacramento te provoco'; and the defendant, in the phrase 'Similiter ego te,' accepts the wager."*

The minute proceeding which took place before the judge was necessary to raise the jurisdiction, exactly as entry and ouster in the original form of an ejectment in the English law. It is impossible to misconceive the drift and meaning of the transaction. The litigant parties confront each other, spear in hand, across the subject of dispute. The public opinion of the community, embodied in the judge, requires them to lay down their weapons and submit to arbitration. The demand having been acquiesced in, the feigned wager is introduced as a fund for the remuneration of the arbitrator, and the question of right is decided by a jurisdiction evidently consensual. Under the Brehon system the aggrieved party, by distraining the goods of the wrong-doer, levies an act of war, in a manner as symbolical as the stroke of the spear in the Roman procedure. Public opinion sustains the act of the plaintiff, and restrains the defendant from retaliation, and both parties adjourn their dispute to the house of the professional arbitrator. Thus all proceedings, whether in crime, tort, or contract, under the Brehon system, are identical in origin, prosecuted in the same manner, and tend to the same result—the maintenance of the public peace, by means of a compromise.

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* Maine, Ancient Law, 375.

The example cited from Roman law proves that a procedure such as that under the Brehon system might, and would, under favourable circumstances, have developed into an intelligible civil code. If the wealth of the community had increased, or if mercantile habits had been introduced, the symbolical acts originally necessary to found the jurisdiction would have fallen off, and the Brehon would have assumed the character of a civil judge. Such a legal improvement would have been contemporary with the growth of the distinction between crimes and torts; but in the disorganized and unmercantile society which existed among the Irish Celts, crimes on the one hand were not distinguished from torts, and the principles applicable to the assessment of damages in cases of contract were not distinguished from those applicable to actions founded upon torts or crimes.

The most remarkable instance of the discussion of purely speculative cases is the consideration of "the exemptions" as regards thefts committed by a cat.

"The exemption as regards a cat in a kitchen. That is, the cat is exempt *from liability* for eating the food which he finds in the kitchen owing to negligence in taking care of it; but so that it was not taken from the security of a house or vessel; and if it was so taken, *the case as regards* the food is like that of a profitable worker with a weapon, and *the case as regards* the cat is like that of an idler without a weapon; and it is safe to kill the cat in the case. The exemption as regards a cat in mousing. That is, the cat is exempt *from liability* for *injuring* an idler in catching mice when mousing; and half fine *is due* from him for the profitable worker *whom he may injure*, and the excitement of his mousing takes the other half off him."*

In the above passage two actions are assumed to have been taken against a cat, and it is considered upon what principles the damages to be assessed against the feline defendant are to be ascertained. In the former case the wrong committed by the cat is the eating of food, or the stealing of food to eat; in the latter it is some injury to a person or thing, accidentally occurring while the cat was in the pursuit of mice. As is usual in such case the intention of the defendant or wrong-doer is considered. The cat which steals food is simply a wrongdoer as far as that specific act is concerned, and is to be considered as an "idler," that is, a person who cannot allege any excuse or justification for the act which he has committed. But if the food stolen by the cat has been left in its way through the negligence of the owner, the carelessness of the latter is set off against the trespass of the former, and no damages are payable. On the other hand, if the owner of the food be not guilty of negligence, and the cat has stolen the food from a place in which it might reasonably be considered secure, the owner of the food is considered as a profitable worker; that is, a person whose conduct entitles him to the full amount of damages, and he is authorized to use, as against the cat, all the right exercised by the owner of a house against a thief who breaks into his precinct *vi et armis*. In the second case the cat, being engaged in his legitimate business of mousing, cannot be treated as a wrongdoer pure and simple, the injury being incident to the zealous performance of its duty. The cat therefore pays to the "profitable worker" mitigated damages, and to an "idler" who was not present in the fulfilment of any duty of his own, no damages whatsoever. A similarly imaginary case is the "exemption as regards animals throwing up clods," to which exactly the same legal principles are applied.*

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* Page 297.

As to many of the cases discussed it is difficult to decide whether they are imaginary or are derived from reported decisions. We find in the text the "exemption of a chip in carpentry." "The exemption of pigs at the trough or in the stye." "The exemption as regards the ball in being hurled on the green of the chief 'Cathair'-fort," &c. Many such cases may represent traditional precedents, the facts of which were not more trivial than those in respect of which some of our modern leading cases were decided.

The most remarkable custom described in the Book of Aicill is the fourfold distribution of the family into the 'geilfine,' 'deirbhfine,' 'iarfine,' and 'indfine' divisions. From both the text and the commentary it appears that the object of the institution did not extend further than the regulation of the distribution of their property. Within the family seventeen members were organized in four divisions, of which the junior class, known as the 'geilfine'-division, consisted of five persons; the 'deirbhfine' the second in order, the 'iarfine' the third in order, and the 'indfine' the senior of all, consisted respectively of four persons. The whole organization consisted, and could only consist of seventeen members. If any person was born into the 'geilfine'-division its eldest member was promoted into the 'deirbhfine'; the eldest member of the 'deirbhfine' passed into the 'iarfine'; the eldest member of the 'iarfine' moved in into the 'indfine'; and the eldest member of the 'indfine' passed out of the organization altogether. It would appear that this transition from a lower to a higher grade took place upon the introduction of a new member into the 'geilfine'-division, and therefore depended upon the introduction of new members, not upon the death of the seniors. The property held by any class, or by its members as such, must have been held for the benefit of the survivors or survivor of that class; but, upon the extinction of a class, the property of the class or of its members as such passed to the surviving classes or class according to special and very technical rules.

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* This very extraordinary case would naturally occur to the mind of a teacher acquainted with early Celtic poetry, the authors of which delighted to depict the steeds of their heroes spurning fragments of the turf in every direction. Thus when the apparition of Cu-chulaind ascends at the bidding of St. Patrick to testify to Leaghaire as to the hell alleged by the Saint to exist, the following passage occurs in the description of the approach of the phantom troop:—"We saw then the heavy fog which dropped upon us. I asked *concerning* that heavy fog also of Benen. Benen said they were the breaths of men and horses that were traversing the plain before me. We saw then the great raven flock above us, above; the country was full of them, and it was among the clouds of heaven they were for their height. I asked *concerning* that matter of Benen. Benen said they were sods from the shoes of the horses that were under Cu-chulaind's chariot." This passage, which is taken from the introductory part of the "Demoniac Chariot of Cu-chulaind," in the Leabhar-na-h'Uidhri, as translated by Mr. Crowe, for the Kilkenny Archæological Society, Vol. I., 4th Series, pp. 375–76, cannot fail to remind the reader of the extravagances of the Râmâyana.

On the failure of the 'geilfine'-class, three-fourths of its property passed to the 'deirbhfine,' three-sixteenths to the 'iarfine,' and one-sixteenth to the 'indfine'-class.

On the failure of the 'deirbhfine'-class, three-fourths of its property passed to the 'geilfine,' three-sixteenths to the 'iarfine,' and one-sixteenth to the 'indfine.'

On failure of the 'iarfine'-class, three-fourths of its property passed to the 'deirbhfine,' three-sixteenths to the 'geilfine,' and one-sixteenth to the 'indfine.'

On failure of the 'indfine,' three-fourths of its property passed to the 'iarfine,' three-sixteenths to the 'deirbhfine,' and one-sixteenth to the 'geilfine.'

On failure of the 'geilfine' and 'deirbhfine'-classes, three-fourths of their property passed to the 'iarfine,' and one-fourth to the 'indfine.'

On failure of the 'indfine' and 'iarfine,' three-fourths of their property passed to the 'deirbhfine,' and one-fourth to the 'geilfine.'

On failure of the 'deirbhfine' and 'iarfine'-classes, three-fourths of their property passed to the 'geilfine,' and one-fourth to the 'indfine.'

On failure of the 'geilfine' and 'indfine,' three-fourths of the property of the ‘geilfine’ passed to the ‘deirbhfine’ and one-fourth to the ‘iarfine’; and of the property of the ‘indfine,’ one-fourth passed to the ‘iarfine,’ and one-fourth to the ‘deirbhfine.’

Two possible combinations of two extinct classes, viz.:—the ‘geilfine’ and ‘iarfine,’ and the ‘deirbhfine’ and ‘indfine,’ are omitted from the commentary. It would appear that upon the failure of any two classes the whole organization required to be completed by the introduction of a sufficient number into the ‘geilfine’-class and by promotion carried on through all the classes upwards; and if there were not forthcoming sufficient persons to complete the organization there was no partition among the surviving two classes, but the property went as if the deceased were not members of an organization at all. The rules as to the distribution of property upon the extinction of any one class or of any two classes may be understood from the annexed diagram.

		1	2	3	4	5	6	7	8		(9)		(10)	
Indfine, . . .	16	1	1	1	0	8	0	8	0		0		4	4
Iarfine, . . .	16	3	3	0	12	24	0	0	4	12	12	4	12	12
Deirbhfine, . .	16	12	0	12	3	0	24	0	12	4	0		0	
Geilfine, . . .	16	0	12	3	1	0	8	24	0		4	12	0	

The rule upon which the distribution of the property of such an organization depends appears clearly from the above diagram. Let it be assumed that each class possesses property represented by the figure 16. The class or classes extinct are denoted in the subsequent columns by a cypher, and the distribution of the property of the extinct class or classes is indicated by the numbers set opposite the names of the surviving classes. Three-fourths of the property of any extinct class pass to the next junior class, and in default of any junior surviving class, to the next senior class. The remaining one-fourth is treated in the same manner. If, exclusive of the class which has received its share, there remains but one class, the residue passes to that class, but if two classes survive, three-fourths of the residue pass to the next junior class, and, in default, of such class, to the next senior class; and the residue, one-fourth of a fourth, or one-sixteenth of the entire, goes to the remaining class. If two classes become extinct, the property of each is distributed according to this rule, in which case, if the two classes which become extinct are next to each other, the distribution of the property of both is identically the same; but if the extinct classes are not next to each other, the property of each is distributed to the remaining classes in varying proportions. It is evident from the commentary that the original principle, however it arose, had been forgotten, so that the distribution contained in column 8 of the above diagram is very awkwardly expressed, and the cases in columns 9 and 10 are altogether omitted. The meaning of this very artificial arrangement appears from the following passage:—"If the father is alive and has two sons, and each of those sons has a family of the full number—*i.e.*, four—it is the opinion *of lawyers* that the father would claim a man's share in every family of them, and that in this case they form two 'geilfine'-divisions. And if the property has come from another place, from a family outside, though there should be within in the family a son or a brother of the person whose property came into it, he shall not obtain it any more than any *other* man of the family." From this it appears that the whole organization existed within the family, and consisted of the actual descendants of a male member of the family, who himself continued in the power of the head of the family. As soon as a son of the house had himself four children, he and his four children formed a 'geilfine'-class, and each succeeding descendant up to the number of seventeen was introduced into the artificial body. The entire property exclusively belonging to this family within a family was confined to the members of the organization until the number exceeded seventeen, when the senior member lost his rights to the separate estate, retaining those which he possessed in the original family.

This arrangement must be regarded as an invasion of the archaic form of the family, and an introduction *pro tanto* of the idea of separate property. How or when the system arose we have no information, but arrangements equally complicated have been elaborated in the evolution of customary law.

If it be admitted that the parent and his first four children (or sons) form the original 'geilfine'-class, it may be conjectured that the term 'geilfine'-chief, so often occurring in the Brehon law, indicates a son of the head of the family, who has himself begotten four children (or sons), and thus founded as it were a family within a family; and further, that, as upon the death of the head of a family each of his sons would become the head of a new family, the 'geilfine'-relationship in such an event would disappear, and its members would resolve themselves into a family organized in the normal manner. It may be conjectured that the parent always continued in the 'geilfine-' class, and that therefore it contained five members, although the other classes comprised four only, and that hence was derived the peculiar title of 'geilfine'-chief.

The passage in the Book of Aicill relative to the legitimization of adulterine bastardy is so instructive in relation to the origin and form of the Celtic family, that it merits special attention. The important portions of the text and commentary are as follow:—"Every cuckold *has a right to* his *reputed* son until purchased from him. That is, to the cuckold belongs his *reputed* son until he is purchased from him *by his real father*—*i.e.*, until there has been paid to him body-price and honor-price, according as he is a native freeman, or a stranger, or a foreigner, or a 'daer'-person, and the full price of fosterage for the length of time *he was with him;* the equivalent also of everything which he had paid for his crime shall be paid him *back*."* "If the full *fine* of the father who takes him away be equal to the full *fine* of the *reputed* father from whom he is taken, the father who takes him away shall pay his own full *fine* to the *reputed* father from whom he has been taken. If the full *fine* of the

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* Page 311.

reputed father from whom he has been taken be greater, the father who has taken him out shall pay it, if he is able, but if he be not able, *the son* himself shall pay in right of his property; or it shall be paid by the father in right of the 'old promise.'" "He can be taken from man to man always until the evidence of men assign him to one father, and when he has been assigned to one father by the evidence of men, he cannot be taken from him until he be assigned to another father by the test of God; and when he has been assigned to another father by the test of God, he cannot be taken from him by the test of God, or the test of men until seven 'cumhals' *are paid for him.* His being brought from man to man in succession is by the commentator derived from the following verses, *i.e.*:—

> Free is the womb that brings forth a birth
> To produce a body,
> Whichever of a hundred persons
> Removes it."

This passage clearly shows that in the early Irish, as in other archaic societies, the nexus of the family was not marriage, but acknowledged actual descent from a common ancestor, and participation in the common duties and property of the family. The son of a married woman was *prima facie* a member of the family of the husband, but if another proved that he was the father in fact, the child belonged to the family of the adulterer. The family of the husband, however, possessed a vested interest in its reputed member, and was therefore entitled to compensation for the removal of one of its number, and also to the repayment of the previous expenses of maintenance. The claimant was also bound to indemnify the family of the husband for any payment previously made on account of the offspring. The obvious difficulty as to whether the body-fine and honor-price were to be estimated with reference to the rank of the natural or to that of the reputed father, was solved by making the claimant pay according to whichever of the two scales was the higher. The principle of the payment to be made in such a case by the claimant to the family of the husband is the same as that which, according to the last section of the Book of Aicill, in the case of the abduction of a female member of a family, condemned the ravisher to pay compensation both to the abducted woman and to her family.* The theory of the Celtic family is further illustrated by a passage in the first volume of the Brehon Laws which has been previously referred to.†

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* Page 313.

"Eochaidh set out, long afterwards, to go to his tribe to demand justice from them, but was met at Sliabh Fuait by Asal, son of Conn of the Hundred Battles, and by the four sons of Buidhe, . . . and by Fotline, the son whom Dorn, the daughter of Buidhe, brought forth to a stranger, of whom was said:—

'The son of Dorn is a trespasser on us,' &c.

And they slew Eochaidh Belbhuidhe, who was under the protection of Fergus. Fergus went with forces from the north to demand satisfaction, and justice was ceded to him, *i.e.*, three times seven 'cumhals;' seven 'cumhals' of gold; and seven of silver, and land of seven 'cumhals,' Inbher-Ailbhine *by name*, for the crime of the five natives; and Dorn, the daughter of Buidhe, was given as a pledge for the crime of her son, for he was the son of a stranger, or of an Albanach (Scotchman), and was begotten against the wish of, or without the knowledge of, the tribe of the mother." Dorn having been subsequently slain by Fergus, the honor price for her death was paid in various proportions to her father and brother, but not to her son. From the above passages it may be concluded that the family was based upon the descent from a male ancestor; that if the fact of the descent were admitted by the father, illegitimacy or legitimacy, according to the canon law, was immaterial; that the illegitimate offspring of two members of a family would be acknowledged as a member of the family; that the illegitimate offspring of a female member of the family, by a stranger, might be introduced into the family as a member, if begotten with the consent and knowledge of the tribe of the mother. The member of a family was of course a member of the tribe which included the family. On the other hand, the illegitimate offspring of a woman by a stranger, if begotten against the wish and without the knowledge of the tribe of the mother, would have no status in either the family or tribe of the mother, and would be considered by them as a stranger or trespasser. If an office were hereditary in a family all the members of which were equally eligible for election, all questions of legitimacy or illegitimacy were unimportant. There was nothing to prevent the adulterine bastard of a chief from being elected as his father's successor; both he and the legitimate offspring of his father were equally eligible for election. If the principles laid down in the Book of Aicill had been familiarly accepted by the Irish in the sixteenth century, the controversy between the English Government and Shane O'Neill could not have assumed the form which it did. Con O'Neill had, by Alison Kelly, the wife of a smith in Dundalk, a son whom the mother brought to O'Neill when of the age of sixteen years. In 1542 Con O'Neill was created by patent Earl of Tyrone, with remainder to this son (Matthew *alias* Ferdorogh O'Neill) and his heirs male. Shane O'Neill was the son of Con O'Neill by *a* wife. At the date of the creation of the earldom, Matthew was undoubtedly treated and accepted by the rest of his name as a son of Con O'Neill, and if he had been his son in fact, and had been admitted to be so by his actual father, he was one of the family of the O'Neill, and as such capable of election to the Chieftaincy of Ulster. The earldom of Tyrone being limited to Matthew as a purchaser in tail, his claim under the original letters patent was quite independent of his legitimacy; his rights to the headship of his sept also were unconnected with legitimacy, as resting upon the popular election, if any such election ever took place. Nevertheless, the question of the canonical legitimacy of the Baron of Dungannon is constantly discussed in the letters of Shane O'Neill and the English Government. Shane, the champion of the Celtic race, insists that his brother was illegitimate; the English Government asserts that the succession of the house of O'Neill was hereditary, and that the Baron was the "heir in right." At a later period, when Hugh O'Neill, the son of the Baron of Dungannon, and the *protégè* of the English, fell away into rebellion, the English Government in their proclamations reproached him with the illegitimacy of his father. Were the parties to this correspondence ignorant of, or did they purposely ignore the existence of the Brehon law? Phrases occur in the correspondence which seem to indicate that both parties knew that the ancient custom was very different from the law with reference to which they assumed to discuss the question. Cecil, in a paper of heads of arguments,* uses these remarkable words :—"For O'Nele knew for truth that he was the son of a woman married in Dundalk to one Kelly a smith, and *therefore he could not be sure that he was his son ; considering also that he was sixteen years old before his mother brought him to O'Nele.*" Again, Shane asserted that his father "being a gentleman never denied any child that was sworn to him, and he had plenty of them." Such expressions as these seem to indicate that both writers felt that the question of illegitimacy or legitimacy, as applicable to the status of the Baron of Dungannon, turned upon the question of parentage in fact, and had no connexion with marriage; but whatever may have been the *arriére pensée* of the writers, it is almost impossible to believe that at the date of the correspondence the Brehon law was recognised in Ulster as the local law, or that its principles were still understood and accepted by the inhabitants.

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* Page 541.

† Pages 71—75.

The rules as to the legitimization of adulterine bastards proves that children were considered by the head of a family as a benefit and not a burthen. In every village community possessing a share of public lands, to be drawn upon as occasion may require, the share of the family in the public land or pasturage increases in proportion to the number of its members. There is, therefore, in such societies a constant legal incentive to marriage and procreation. The excessive increase of population which the local custom stimulates in such forms of society is checked in modern village communities partly by a very high death rate, and partly by an organized system of emigration whereby overcrowded villages establish new village communities in unoccupied lands, after a systematic and organized manner.* It is a subject of curious inquiry, as a test of the condition of the Celtic population of Ireland, to ascertain if there be any grounds for concluding whether before the Danish invasion the number of tribes or village communities in Ireland was increasing or diminishing, and whether we have grounds for drawing any conclusion as to the rate of mortality which then existed.

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* Carew MSS., vol i., pp. 304–5.

Inasmuch as Cormac MacAirt is alleged to be the author of the Book of Aicill, it is proper to lay before the reader a short statement as to what is known of his history and his alleged connexion with the work in question. In the year 218 A.D., Cormac Ulfada, the grandson of Conn of the Hundred Battles, and commonly called Cormac O'Cuinn, and Cormac MacAirt, commenced to reign. The annals of Tighernach (ob. A.D. 1088)

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*The following extracts from the essay of M. de Laveleye illustrate the above remarks. In his description of the Russian village commune (mir) he states:—"Dans l'Occident, une progéniture nombreuse est un malheur, que l'on évite par des moyens que certains économistes préconisent, mais que la morale condamne. En Russie, la naissance d'un enfant est toujours accueillie avec joie, car elle apporte à la famille des forces nouvelles pour l'avenir, et elle est un titre pour réclamer un supplément de terres à cultiver." * * "Ce qui dans l'organisation du *mir* doit surtout alarmer l'économiste, c'est que, contrairement aux prescriptions de Malthus, elle enlève tout obstacle à l'accroissement de la population et offre même une prime à la multiplication des enfans. En effet, chaque tête de plus donne droit, dans la partage, à une part nouvelle. Il semble donc que la population doive accroître en Russie plus rapidement que partout ailleurs. C'est même là la principale objection que M. Stuart Mill oppose à tout projet de réforme dans un sens communiste. Chose étrange cependant, la Russie est avec la France l'un des pays où la population augmente le plus lentement. La période de doublement, qui pour la France est de 120 ans environ, est de 90 ans pour la Russie, tandis qu' elle n' est que de 50 ans pour l'Angleterre et pour la Prusse." * * "Différentes circonstances contribuent à produire ce résultat. La première est la grand mortalité parmi les jeunes enfan." * * La durée moyenne de la vie est par suite en Russie très inférieure à celle qu'on a constatée dans les autres pays. Au lieu d'être de 35 ans environ, comme dans les états de l'Europe occidentale, elle n'est que 22 à 27 ans." * * "Pour faire place aux familes nouvelles, qu'une civilisation plus avancée appellerait à l'existance, il ne resterait alors qu'une ressource : l'emigration et la colonisation. En effet, le regime du *mir* a étè autrefois un puissant agent de colonisation."—Les Formes primitives de la Propriété. Par M. de Laveleye.—*Revue des Deux Mondes*, tom 100, Ff. 149/155.

were selected by the late Dr. Petrie as the most authentic authority respecting the events of his reign. It is advantageous to ascertain what are the facts recorded in this chronicle. In the year 218 it is stated that Cormac, the grandson of Conn, reigned 42 years. In the year 222 are mentioned the names of 31 distinct battles; and there is mention also of the more important facts of Cormac's having had a fleet over the sea for the space of three years, of the slaughter of the maidens in the Claenferta at Temur by the King of Leinster, and the consequent execution by Cormac of twelve Lagenian Kings, and of the exaction with an increase by him of the Borumha, or Boromean tribute. Under this year it is stated that Cormac was deposed by the Ultonians. In the year 236 A.D., six battles are recorded, and under this year Cormac is stated to have been expelled for seven months, and to have been subsequently dethroned by the Ultonians. In the year 251 A.D., one battle is recorded. In the year 254 A.D., Cormac expelled the Ultonians from Ireland to the Isle of Man, hence his name Ulfada. Under the same year the wound and death of Cormac are recorded as follows*:—

"The wounding of Ceallach, the son of Cormac, and the killing of Setna, the son of Blae, son of the lawgiver of Temur. And the eye of Cormac Ua Cuinn broken with one blow by Aengus, the son of Fiacha Suighi, the son of Feidhlim Rechtmar, whence he was called Aengus Gabhuaibhtheach [i.e., Aengus of the Dreadful Spear]. Cormac afterwards gained four battles over the Desii, so that he drove them into Munster, and expelled them from their [original] country."

"Cormac, the grandson of Con of the Hundred Battles, died at *Cleiteach* on Tuesday, the bone of a salmon having stuck in his throat; or it is the sheevree [genii] that killed him at the instigation of Maelcinn the Druid, as Cormac did not believe in him."†

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* Petrie, on the History and Antiquities of Tara Hill, p. 37.

† Than the late lamented Professor O'Curry, no author was more profoundly versed in the ancient Irish Manuscripts; it is, therefore, due to the memory of that great Irish scholar to introduce his views as to the records relative to Cormac Mac Art, contained in early Irish authors:—

"The character and career of Cormac Mac Art, as a governor, a warrior, a phil-

In the Annals of Tieghernach there is no mention made of the alleged literary or legislative celebrity of Cormac MacAirt; in the Annals of the Four Masters, however, there is express mention of the works upon which his reputation has rested. Under the year A.D. 266, the Four Masters state,* "Cormac,

osopher, and a judge deeply versed in the laws which he was called on to administer, have, if not from his own time, at least from a very remote period, formed a fruitful subject for panegyric to the poet, the historian, and the legislator.

"Our oldest and most accredited annals record his victories and military glories; our historians dwell with rapture on his honour, his justice, and the native dignity of his character; our writers of historical romance make him the hero of many a tale of curious adventure; and our poets find in his personal accomplishments, and in the regal splendour of his reign, inexhaustible themes for their choicest numbers.

"The poet Maelmura, of Othna, who died A.D. 844, styles him Cormac *Ceolach*, or the Musical, in allusion to his refined and happy mind and disposition. *Cinaeth* (or Kenneth) O'Hartigan (who died A.D. 973) gives a glowing description of the magnificence of Cormac and of his palace at Tara. And Cuan O'Lochain, quoted in the former lecture, and who died A.D. 1024, is no less eloquent on the subject of Cormac's mental and personal qualities and the glories of his reign. He also, in the poem which has been already quoted, describes the condition and disposition of the ruins of the principal edifices at Tara, as they existed in his time; for, even at this early period (1024), the royal Tara was but a ruin. Flann, of Saint *Buithe's* Monastery, who died A.D. 1056 (the greatest, perhaps, of the scholars, historians, and poets of his time), is equally fluent in praise of Cormac as a king, a warrior, a scholar, and a judge.

"Cormac's father, Art, chief monarch of Erinn, was killed in the battle of *Magh Mucruimhé*—that is, the plain of *Mucruimhé* (pron. "Mucrivy"), about A.D. 195, by Mac Con, who was the son of his sister. This Mac Con was a Munster prince, who had been banished out of Erinn by Oilill Oluim, King of Munster; after which, passing into Britain and Scotland, he returned in a few years at the head of a large army of foreign adventurers, commanded chiefly by *Benné Brit*, son of the King of Britain. They sailed round by the south coast of Ireland, and landed in the bay of Galway; and being joined there by some of Mac Con's Irish adherents, they overran and ravaged the country of West Connacht. Art, the monarch, immediately mustered all the forces that he could command, and marched into Connacht, where he was joined by Mac Con's seven (or six) step-brothers, the sons of Oilill Olum, with the forces of Munster. A battle ensued, as stated above, on the plain of Mucruimhe (between Athenree and Galway), in which Art was killed, leaving behind him an only son, Cormac, usually distinguished as Cormac *Mac Airt*—that is, Cormac the son of Art.

"On the death of his uncle Art, Mac Con assumed the monarchy of Erinn, to the prejudice of the young prince Cormac, who was still in his boyhood, and who was forced to lie concealed for the time among his mother's friends in Connacht.

"Mac Con's usurpation, and his severe rule, disposed his subjects after some time to wish for his removal; and to that end young Cormac, at the solicitation of some powerful friends of his father, appeared suddenly at Tara, where his person had the son of Art, the son of Con, after having been forty years in the government of Ireland, died at Cletty, the bone of a salmon having stuck in his throat, through the Sheevra, whom Mailgenn the Druid induced to attack him, after Cormac had turned from the Druids to the adoration of God; wherefore a

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* The translation is that given in Dr. Petrie's History and Antiquities of Tara Hill, p. 38.

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by this time ceased to be known. One day, we are told, he entered the judgment hall of the palace at the moment that a case of royal privilege was brought before the king, Mac Con, for adjudication. For the king in ancient Erinn was, in eastern fashion, believed to be gifted with peculiar wisdom as a judge among his people; and it was a part of his duty, as well as one of the chief privileges of his prerogative, to give judgment in any cases of difficulty brought before him, even though the litigants might be among the meanest of his subjects, and the subject of litigation of the smallest value. The case is thus related:—Certain sheep, the property of a certain widow residing near Tara, had strayed into the queen's private lawn, and eaten of its grass; they were captured by some of the household officers, and the case was brought before the king for judgment. The king, on hearing the case, condemned the sheep to be forfeited. Young Cormac, however, hearing this sentence, exclaimed that it was unjust, and declared that as the sheep had eaten but the fleece of the land, the most that they ought to forfeit should be their own fleeces. This view of the law appeared so wise and reasonable to the people around, that a murmur of approbation ran through the hall. Mac Con started from his seat and exclaimed, "That is the judgment of a king;" and, immediately recognising the youthful prince, ordered him to be seized; but Cormac succeeded in effecting his escape. The people, then, having recognised their rightful chief, soon revolted against the monarch, upon which Mac Con was driven into Munster, and Cormac assumed the government at Tara. And thus commenced one of the most brilliant and important reigns in Irish history.

"The following description of Cormac, from the Book of Ballymote (142, b.b.), gives a very vivid picture of the person, manners, and acts of this monarch, which it gives, however, on the authority of the older Book of *Uachongbhail;* and, even though the language is often high-coloured, it is but a picturesque clothing for actual facts, as we know from other sources (see original in Appendix, No. XXVI.):—

"A noble and illustrious king assumed the sovereignty and rule of Erinn, namely, Cormac, the grandson of Conn of the Hundred Battles. The world was full of all goodness in his time; there were fruit and fatness of the land, and abundant produce of the sea, with peace, and ease, and happiness, in his time. There were no killings nor plunderings in his time, but everyone occupied his lands in happiness.

"The nobles of Erinn assembled to drink the banquet of Tara, with Cormac, at a certain time. These were the kings who were assembled at that feast—namely, *Fergus Dubhdeadach* (of the black teeth), and *Eochaidh Gunnat*, the two kings of Ulster; Dunlang, son of Enna Nia, king of Leinster; Cormac Cas, son of Ailill Oluim, and *Fiacha Muilleathan*, son of *Eoghan Môr*, the two kings of Munster; *Nia Môr*, the son of *Lugaidh Firtri*, Cormac's brother by his mother, and *Eochaidh*, son of Conall, the two kings of Connacht; Oengus of the poisoned spear, king of Bregia (East Meath); and *Feradhach* the son of Asal, son of Conor the champion, king of Meath.

demon attacked him at the instigation of the druids, and gave him a painful death. It is Cormac who composed the *Teagasc na Riogh*, to preserve manners, morals, and government in the kingdom. He was an illustrious author in laws, synchronisms, and history; for it is he that promulgated law, rule,

"The manner in which fairs and great assemblies were attended by the men of Erinn, at this time, was—each king wore his kingly robe upon him, and his golden helmet on his head; for they never put their kingly diadems on but in the field of battle only.

"Magnificently did Cormac come to this great assembly; for no man, his equal in beauty, had preceded him, excepting *Conairé Môr*, son of Edersgel, or Conor, son of *Cathbadh* (pron. nearly 'Caā-fah'), or Aengus, son of the Daghda. Splendid, indeed, was Cormac's appearance in that assembly. His hair was slightly curled, and of golden colour; a scarlet shield with engraved devices, and golden hooks, and clasps of silver; a wide-folding purple cloak on him, with a gem-set gold brooch over his breast; a gold torque around his neck; a white-collared shirt, embroidered with gold, upon him; a girdle, with golden buckles, and studded with precious stones, around him; two golden net-work sandals, with golden buckles, upon him; two spears with golden sockets, and many red bronze rivets, in his hand; while he stood in the full glow of beauty, without defect or blemish. You would think it was a shower of pearls that were set in his mouth; his lips were rubies; his symmetrical body was as white as snow; his cheek was like the mountain-ash berry; his eyes were like the sloe; his brows and eyelashes were like the sheen of a blue-black lance.

"This, then, was the shape and form in which Cormac went to this great assembly of the men of Erinn. And authors say that this was the noblest convocation ever held in Erinn before the Christian Faith; for the laws and enactments instituted in that meeting were those that shall prevail in Erinn for ever.

"The nobles of Erinn proposed to make a new classification of the people, according to their various mental and material qualifications; both kings and ollamhs (or chiefs of professions), and druids, and farmers, and soldiers, and all different classes likewise; because they were certain that whatever regulations should be ordered for Erinn in that assembly, by the men of Erinn, would be those which would live in it for ever. For from the time that Amergen *Gluingeal* (or of the White Knee), the *Filé* (or Poet), and one of the chiefs of the Milesian colonists, delivered the first judgment in Erinn, it was to the *Filés* alone that belonged the right of pronouncing judgments, until the disputation of the Two Sages, *Ferceirtné* the *Filé*, and *Neidhé*, son of *Adhna*, at Emania, about the beautiful mantle of the chief *Filé*, *Adhna*, who had lately died. More and more obscure to the people were the words in which these two *Filés* discussed and decided their dispute, nor could the kings or the other *Filés* understand them. *Concobar* (or Conor) and the other princes at that time present at Emania, said that the disputation and decision could be understood only by the two parties themselves, for that *they* did not understand them. It is manifest, said *Concobar*, all men shall have share in it from this day out for ever, but they [the *Filés*] shall have their hereditary judgment out of it, of what all others require, every man may take his share of it. Judgment was then and regulation for each science, and for each covenant according to justice; so that it is his laws that restrained all who adhered to them to the present time."

"It is this Cormac MacArt also that assembled the chroniclers of Ireland together at Temur, and ordered them to write the Chronicles of Ireland in one book, which was called the Psalter of Temur. It was in this book were [entered] the coeval exploits and synchronisms of the Kings of Ireland with the Kings and Emperors of the world, and of the kings of the provinces with the monarchs of Ireland. It

taken from the Filés, except their inheritance of it, and several of the men of Erinn took their part of the judgment; such as the judgments of *Eochaidh*, the son of *Luchta;* and the judgments of *Fachtna*, the son of *Senchadh;* and the (apparently) false judgments of *Caradniadh Teiscthé;* and the judgments of Morann, the son of Maen; and the judgments of *Eoghan*, the son of *Durrthacht* [king of Farney]; and the judgments of *Doet* of *Neimthenn*, and the judgments of *Brigh Ambui* [daughter of *Senchadh*]; and the judgments of *Diancecht* [the *Tuath Dé Danánn* Doctor] in matters relating to medical doctors. Although these were thus first ordered at this time, the nobles of the men of Erinn (subsequently) insisted on judgment and eloquence (advocacy) being allowed to persons according to rank in the *Bretha Nemheadh* (laws of ranks); and so each man usurped the profession of another again, until this great meeting assembled around Cormac. They then again separated the professors of every art from each other in that great meeting, and each of them was ordained to his legitimate profession.

"And thus when Cormac came to the sovereignty of Erinn, he found that Conor's regulations had been disregarded; and this was what induced the nobles to propose to him a new organization, in accordance with the advancement and progress of the people, from the former period. And this Cormac did; for he ordered a new code of laws and regulations to be drawn up, extending to all classes and professions. He also put the state or court regulations of the *Teach Midhchuarta*, or Great Banqueting House of Tara, on a new and permanent footing; and revived obsolete tests and ordeals, and instituted some important new ones; thus making the Law of Testimony and Evidence as perfect and safe as it could be in such times.

"If we take this, and various other descriptions of Cormac's character as a man, a king, a scholar, a judge, and a warrior, into account, we shall see that he was no ordinary prince; and that if he had not impressed the nation with a full sense of his great superiority over his predecessors and those who came after him, there is no reason why he should have been specially selected from all the rest of the line of monarchs, to be made above all the possessor of such excellences.

"Such a man could scarcely have carried out his various behests, and the numerous provisions of his comprehensive enactments, without some written medium. And it is no unwarrantable presumption to suppose that, either by his own hand, or, at least, in his own time, by his command, his laws were committed to writing; and when we possess very ancient testimony to this effect, I can see no reason for rejecting it, or even for casting a doubt upon the statement."*

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* MS. Materials of Ancient Irish History, pp. 42-47.

was in it was also written what the monarchs of Ireland were entitled to receive from the provincialists, and what the provincialists [i.e., provincial kings] were entitled to receive from their subjects from the noble to the subaltern. It was in it also were [described] the bounds and meres of Ireland from shore to shore, from the province to the territory, from the territory to the bally (townland), and from the bally to the *traigid* of land. These things are conspicuous in the *Leabhar na h-Uidhri*. They are also evident in the *Leabhar Dinnshenchusa*."

Upon this passage Dr. Petrie remarks, "This detail, it must be confessed, has but little agreement with the meagre and unsuspicious account given by Tieghernach. On everything stated by the Four Masters the earlier annalist is silent, except the notice of the cause of his death, and even in this what is doubtfully put by the one, is made positive by the others. Whether, however, these details are true or false, or in whatever degree they may be so, it is due to the character for veracity of the Four Masters to mention, that they found what at least appeared to them sufficient evidence upon which to ground their statements, in very ancient documents. The additional facts of importance stated by the Four Masters are three:—1, that Cormac was the author of the ancient tract called *Teagasc na Riogh*, or Instruction of the Kings. 2. That he was the author or compiler of laws which remained in force among the Irish down to the seventeenth century. And 3. That he caused the ancient chronicles of the country to be compiled in one volume, which was afterwards called the Psalter of Tara."*

The first and third of these facts are based upon the existence of works known by the names mentioned in the text, and the second is based by Dr. Petrie upon the existence of the Book of Aicill. He came to the conclusion that at the date of the Four Masters no trustworthy traditions could well have been preserved which might form a ground for the statements of the annalists. Tieghernach was separated from the era of Cormac Mac Airt by a space of eight centuries, the Four Masters by a period of thirteen. Tieghernach stood in the same relation to the era of Cormac as a writer of the reign of Henry II. did to the arrival of the Saxons, from which date we are not much more removed than were the Four Masters from the reign of Cormac. A reference to the early history of Greece, Rome, or England, at once shows the great improbability of the correct transmission of any authentic tradition for such a period, even under circumstances more favourable for its preservation than Ireland ever afforded. It must be admitted that in the interval between the date of Tieghernach and the work of the Four Masters numerous Irish authors refer to the greatness of Cormac, not only as a king, but also as a judge. Their silence as to the authorship of the Book of Aicill cannot be much relied on as a proof that the Book of Aicill did not then exist, because that work may have been considered as the production of a Pagan author, while the Senchus Mor, stamped with the authority of St. Patrick, may have assumed the position of the authoritative Irish code. On the other hand there is not, as far as can be ascertained, a positive assertion in such authors, that the Book of Aicill, an acknowledged work of Cormac, was received as an actual legal authority. The Four Masters and Dr. Petrie therefore rest the assertion that Cormac was the author of certain laws upon those existing works which were alleged to have been composed by Cormac Mac Art, and it is upon the internal evidence of these works that the reputation of Cormac must rest.

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* Essay on the History and Antiquities of Tara Hill, p. 39. Transactions of the R.I.A. (Antiquities), vol. xviii.

Undoubtedly traditions existed as to the literary reputation of Cormac, but whether they had any solid basis is a point difficult to be proved. The author of the Ogygia, going beyond the statements of the Four Masters, informs us that there were three schools instituted by Cormac at Tara; in the first was taught military discipline, in the second history, and in the third jurisprudence. O'Flaherty wrote in the seventeenth century, thirteen hundred years after the event, and cites as his authority a poem of the fourteenth century, eleven hundred years after the reign of Cormac. As to which poem Dr. Petrie remarks, "The general silence of all other ancient authorities is in itself a presumptive evidence either that O'Flaherty has mistaken the sense of his author, as in the instance of *Mur Ollamhan*, or that the old poet had indulged in the common Bardic propensity to exaggeration."*

The history of Cormac MacAirt, as contained in Keating, is in itself a proof that the mode in which history was then composed on the Continent was not altogether unknown in Ireland. Dr. Keating's work was for Irish history what those of Du Haillan and Audigier were for that of France. It would perhaps be difficult to find a more extraordinary instance of the growth of tradition and its gradual expansion than Keating's account of the death of Cormac, as contrasted with the narration of the same occurrence in Tieghernach. The comparison of the blinding of Cormac in these two authors is a further instance of the manner in which the recital of the original annalist could, in process of time, be amplified. Such exaggerations need scarcely to be referred to even for the purpose of confutation.†

Upon the internal evidence only contained in such a work as the Book of Aicill, can any conclusions be based as to its date or authorship. It must be remembered that there exists no cotemporary evidence of any of the facts of early Irish history; no inscriptions or coins enable us to fix dates or to identify personages. The only trustworthy evidence is the existing testimony of manuscripts which are themselves separated by centuries from the transactions treated of, and are entitled at least to no more credit than cotemporary Continental authorities.

Assuming the assertion of the Four Masters as to the legislation of Cormac to be based upon the Book of Aicill itself, let us inquire of that work what grounds it affords for the opinion that it was composed by Cormac, and in so doing, let us assume the proposition—a proposition by no means unquestionable—that not only was the art of writing known to the Irish in the third century, but that it was customarily used for the record of customary law.

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* History and Antiquities of Tara Hill, page 49.

† In justice to the authors of such highly-coloured statements, it must however be borne in mind that works extant in their time, and on which they may have relied as authorities, have since disappeared, and are probably altogether lost.

The Book of Aicill contains not only the *sententiæ* ascribed to Cormac, but also those attributed to Cendfaeladh the son of Ailel. As the latter is stated in the text to have learned law whilst laid up in consequence of wounds received by him in the battle of Moira A.D. 642, it is evident that his part of the work cannot have been composed until at least four centuries after the death of Cormac, that therefore the earliest evidence of Cormac's having been the author of certain legal opinions cannot be placed prior to the end of the seventh century, and that the only part of the work ascribed to him is a certain portion of the text which is entirely independent of the introduction and commentary.

The sole authority for the statement that these *sententiæ* are derived from Cormac, rests upon the evidence of the editor who composed the preface and arranged the work. The name, date, and residence of this editor are unknown, nor does he give us any hint as to the grounds upon which he attributed any portion of the work to Cormac; all that he can be admitted to prove is, that *at the date of the composition of the work*, as it has come down to us, certain legal maxims embodied in it were popularly attributed to Cormac. The value of such popular tradition necessarily depends upon the interval of time by which the fact testified to is separated from the tradition which asserts it, and the existence of surrounding circumstances which tend to preserve a tradition unaltered. To estimate the value of the popular opinion testified to by the editor, the date of the redaction of the work itself must be fixed.*

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* It is but right here to state the published opinions of the late Professor O'Curry as to the Book of Aicill :—

"It is not probable that any laws or enactments forged at a later period, could be imposed on a people who possessed in such abundance the means of testing the genuineness of their origin, by recourse to other sources of information; and the same arguments which apply in the case of the Saltair of Tara, may be used in regard to another work assigned to Cormac, of which mention will be presently made. Nor is this all; but there is no reason whatever to deny that a book, such as the Saltair of Tara is represented to have been, was in existence at Tara a long time before Cormac's reign; and that Cormac only altered and enlarged it to meet the circumstances of his own times.

These bards and druids, of which our ancient records make such frequent mention, must have had some mode of perpetuating their arts, else it would have been impossible for those arts to have been transmitted so faithfully and fully as we know they were. It is true that the student in the learning of the *Filé* is said to

The date of the redaction of the work may be tested by the contents of the introduction, the condition of the language, and the nature of the customary law embodied in it. Upon none of these points however is it possible to draw any definite conclusion. In the introduction the author attempts to derive the word *eitged* from Hebrew, Greek, and Latin roots respectively. What are the derivations which he has failed to explain is immaterial; this however is certain, that he wrote at a time when there existed, or rather there was professed, some knowledge not only of Latin but also of Greek and Hebrew. He was further acquainted, very imperfectly indeed, with the scholastic logic. To what earliest date in the case of a work composed in France or England during the middle ages would such evidence point? Would such evidence in the case of a work such as the introduction to the Book of Aicill composed in Ireland point to a higher or lower date than in the case of a similar work composed in France or England? In considering the latter question, it must be borne in mind that the work is a purely native production, and that its date should be tested with reference to the level of knowledge existing in Ireland, not with reference to that of Irish scholars settled or met with on the Continent.* The silence of Tieghernach upon the subject is also negative evidence of the utmost weight.

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have spent some twelve years in study, before he was pronounced an adept; and this may be supposed to imply that the instruction was verbal; but we have it from various writers, even as late as the sixteenth and seventeenth centuries, that it was customary with the medical, law, and civil students of these times, to read the classics and study their professions for twenty years. * *

"There still exists, I should state to you, a Law Tract, attributed to Cormac. It is called the Book of Acaill, and is always found annexed to a Law Treatise by *Cennfaelad* the learned, who died in A.D. 677. * * (Vide preface to the Book of Aicill in the present Volume.)

"Such is the account of this curious tract, as found prefixed to all the copies of it that we now know; and, though the composition of this preface must be of a much later date than Cormac's time, still it bears internal evidence of great antiquity."†

* The study of Greek does not seem to have been very successfully pursued in the Irish schools of the tenth century. The scholarship of the author of the Glossary of Cormac was very limited. Mr. Stokes speaks of "the extraordinary ignorance of Greek evidenced by the composer (of the Glossary), which, even at the beginning of the tenth century, would startle one in an episcopal countryman of Johannes Scotus Erigena." (Old Irish Glossaries, page xvi., and note.)

† MS. Materials of Ancient Irish History, p. 48.

The application of what may be called a philological test to an ancient document, with the object of ascertaining the date of its composition, is a process of very great difficulty and requiring extreme caution. In the first place we must be certain that the document so treated preserves the *ipsissima verba* of the original author. This essential requisite is possessed alone by lapidary inscriptions and coins. The decrees of Asoka, the rock inscriptions in Korsabad or the Moabite inscription, present respectively the speech of their authors in the minutest details; but a manuscript has been probably subjected upon each fresh transcription to a constant course of emendation.* In the case of works of practical utility, such as the present tract, as long as the original text was tolerably comprehensible, each successive scribe would assimilate its grammatical forms to the current speech of the period; and again, after the original work had ceased to be understood by ordinary readers, the ancient text would be subject to unintelligent corruption. The philological condition of any manuscript, such as those of the Brehon law, represents therefore a state of the language subsequent to the date of the original work. Assuming that the document retains its original form, its philological condition is useless in fixing its date, unless we possess unaltered documents, the date of which can be actually and independently ascertained. In the case of most European countries, this requisite is met by the existence of lapidary inscriptions and coins, by the aid of which the form of the language at distinct dates can be satisfactorily established. It cannot be too often remarked that such documents are wholly unknown to Irish antiquaries; we possess no lapidary inscriptions, the dates of which can be fixed,† and no coins whatsoever. Then, the more or less archaic form of the language of any Irish document does not afford any indication of its date, as we have no means of constructing any chronological table of the changes in the language. The greater or less antiquity indicated by archaic forms of a language depends upon the greater or less rapidity with which the language itself was developed. It is well known that the changes in different languages proceed at very different rates. Before the introduction of a national literature the fluctuations of language are altogether uncertain. Among some barbarous tribes, members of the same community, separated during a very few generations, are unable to hold intercourse with each other; on the other hand, some nations possessing no literature have retained archaic forms with peculiar tenacity, as in the well known case of the Lithuanians. The languages even of nations possessing a national literature change at very varying rates; the Italian of Dante is perfectly intelligible to an educated Italian, but an Englishman has to study the Vision of Piers Ploughman almost as a foreign language.

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* In the MS. H. 3–17, p. 157, the statement is made that it was changed from hard original Gaelic and put into fair Gaelic by Gilla-na-Naemh, son of Dunslavey Mac Aedhagain. See Senchus Mor, vol. i., p. xxxvi.

† The Ogham inscriptions, in the deciphering of which some progress has been made, are too short and undated to form the basis of any philological induction.

The archaic form of the original text of the Brehon law, as found in existing MSS., does not therefore necessarily imply any very great antiquity unless we are able to identify its grammatical and philological forms with those of works the date of which can be proved by extrinsic evidence. The first step to this important result has undoubtedly been taken in the treatise of the Cavaliere Nigra upon the verses and glosses comprised in the Irish MS. of St. Gall, the date of which is proved from internal evidence to be between A.D. 850 and A.D. 869. No subject can be more worthy of the attention of Celtic philologists, such as Stokes and Pictet, than an inquiry as to whether the original text of the Book of Aicill (supposed to be one of the most ancient of the Brehon tracts) exhibits a form of the language anterior or subsequent to the Irish passages contained in the St. Gall MS. The editors are decidedly of opinion that the language of the original text of the Book of Aicill, as represented by the existing MSS. accessible to them, is not older than the Irish of the St. Gall MS.* At the same time it must be remembered that the grammatical and philological condition of the text can only fix the date of the last revision, and that the original text may have exhibited a far more archaic form of the language.

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*It is impossible to conclude the consideration of the mode in which the question of the date of the Book of Aicill should be discussed without some reference to the work known as Cormac's Glossary, which has been carefully edited by

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Dr. Stokes from materials prepared by the late Dr. O'Donovan; the text being taken from a MS. preserved in the library of the Royal Irish Academy. The arguments in favour of the great antiquity of the Brehon laws, as founded upon Cormac's Glossary, would appear to be:—(1), that the existence of the Glossary, which contains numerous references to the Brehon law books, proves that the works referred to were to some extent unintelligible in the time of Cormac; and (2), that in the text of the Glossary we possess a specimen of the Irish language as it existed at the time of the author, by a comparison with which, the very archaic form of the Irish contained in the Brehon law books is at once demonstrated.

Let us then consider how far the latter argument has any foundation in fact. Cormac, the son of Cuilennán, born A.D. 831, was a prince of Cashel, who, subsequently having become the bishop of that see, was slain in the battle of Bealach Mughna, A.D. 903. It is first to be inquired whether this Cormac wrote any Glossary? and, if so, whether that now published under his name is authentic? Without entering further into this question, let it be admitted, in the words of Mr. Stokes:—"On the whole we may safely say that the proofs adduced in the former part of this preface sufficiently show that the greater part of what is commonly called Cormac's Glossary was written in the time of Cormac, or at least within a century or so after his death." If it be satisfactorily shown that the work in question was composed in the tenth century, it is immaterial for the present question who was its author. But does the published edition exhibit the text of the work as originally composed? So far from this being the fact, both internal and external evidence demonstrate that the text as it exists differs very widely from that of the original work. We may with confidence refer to the opinion of Mr. Stokes:—"At first sight all merely acquainted with the old Irish Glosses, published by Zeuss, and with the old Irish passages preserved in the Book of Armagh, would be apt to conclude, from the comparatively modern orthography of our text, from the declensional mutilations of the article and nouns, and from the absence of pronominal infixations in the compound verbs, that it could not possibly lay claim to a greater antiquity than the fourteenth or fifteenth century. But the spelling of the fragment in the Book of Leinster is tolerably pure, and there the declensional forms are quite Zeussian." Again, Mr. Stokes remarks:—"It may, however, be said that all through the Glossary the spelling and the declensional and syntactical forms are quite Middle-Irish. . . . . All these modernisms, however, weigh little with any one familiar with the liberty which mediæval Irish scribes allowed themselves in making the grammatical forms of the manuscripts from which they transcribed agree with those of their own time. In the present instance, too, many of these late forms are represented by Old-Irish forms in the corresponding passages in one or more of the other codices."

The present text of the Glossary represents then the Irish of the fourteenth or fifteenth century, to which the text of the date of the fragment in the Book of Leinster (of the twelfth century) has been gradually conformed. But does the

The more or less archaic form of the laws contained in any ancient law tract affords no means of fixing the date of the original text. The rate of change in the social condition and legal forms of a community is even more uncertain than the rate of change in its language. Without external evidence, of which on the present occasion we are wholly destitute, it is equally possible to conclude that the date of the text is very remote or that an archaic system continued for a long period without modification.

We have no means of ascertaining how far the introduction to the Book of Aicill represents a genuine popular tradition of the acts of Cormac MacAirt; upon this subject we can form no opinion until the date of the original text and introduction can be fixed by independent evidence. It is however noteworthy that the Annals of Tieghernach are quite inconsistent with the statement that Cormac MacAirt after his wound retired to the hill of Aicill, and henceforward lived in seclusion. The interval between his blinding and

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text, of which a fragment is preserved in the Book of Leinster, represent the original text of the tenth century? What reason is there for believing that the text as it existed in the twelfth century had not been previously submitted to the same influences by which we know that it was subsequently modified? Are there grounds for believing that the original text of Cormac's Glossary was much more modern than, or differed much from, the Irish of the Brehon Law Tracts?

To the supposition, that the Irish of the Brehon Law Tracts is not necessarily older than the ninth century, the objection may be made, that if the Irish of the Brehon Tracts be not older than the ninth century, what reason could there have been for the explanation of some of the terms of those laws in a glossary of the tenth century? To this it may be fairly replied, that the compilation of a glossary of the difficult terms contained in any specific works proves not that the general text of the works in question had become obsolete, but that the text, while remaining generally comprehensible, contained certain archaic phrases and words. The time within which any book would require a glossary for the use of the student depends also to a great extent upon the subject-matter of the book itself. Some works, from their very nature, are likely to contain words archaic, and requiring explanation even at the date of their composition. A collection of traditionary legal maxims and professional comments upon them necessarily includes numerous words which have fallen out of ordinary use; hence a glossary may cite archaic words from a contemporary law book. An English philologist of the seventeenth century might have drawn largely upon Coke or Littleton.

The Book of Aicill is not cited as an authority in Cormac's Glossary, but the Senchus Mór is referred to, and it seems to be generally admitted that the Book of Aicill is, if not more ancient, at least not more modern than the Senchus Mór death in Tieghernach is very small, both events being placed in the same year, and to this period are attributed his four victories over the Deisi. It must be admitted that the very uncertain and fluctuating chronology of early historians renders it impossible to rely with confidence upon such an argument. Early Irish chronology was involved in almost inextricable confusion by the difference of dates employed, some chroniclers using the era, A.P., or year of our Lord's Passion, while others employed the era, A.D., or year of our Lord's Incarnation. Hence arose difficulties and doubts even as to the date of St. Patrick's arrival in Ireland. Vide "Senchus Mor," vol. ii., Preface pp. xxv., xxvi. If however it should be proved that there is no more evidence that the portion of the Book of Aicill attributed to Cormac Mac Airt represents the genuine decisions of that celebrated king, than that Numa was the author of the institutions attributed to him, the fact that the traditional fame of Cormac was sufficient to cause his name to be attached to the ancient customary rules of the Irish in the very important province of what may be styled their criminal law, clearly proves how great was the impression which he made upon the minds of his cotemporaries. Nor is it surprising that the most ancient customs of the nation bore the name of the king, who, having been a wanderer in foreign lands, might have easily become acquainted with the use of letters, supposing them to be not generally known in Ireland at the time, and have been enabled, as early tradition expressly asserts, to introduce into his native land the useful inventions which were practised by the Roman legions in Britain,* a king whom the popular traditions of the Christian period strove to exempt from the doom in which their Pagan ancestors were involved.

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* The introduction of the water-mill into Ireland was attributed to Cormac. It had been invented by Mithridates of Pontus, and was doubtless in use at the Roman military stations in the province of Valentia. See the poem ascribed to Cuan O'Lochain, quoted from the MS. H. 3 3, T.C.D., by Dr. Petrie, in the History and Antiquities of Tara Hill, p. 147, lines 6–19; and also, The Parish of Templemore, in the Ordnance Survey of Ireland.

APPENDIX TO THE PREFACE.

The MSS. from which the Irish of the present volume has been mainly obtained are the collections marked H. 2. 15, H. 3. 17, and E. 3. 5, in the library of Trinity College, Dublin.

A few short passages, words, and phrases have been taken from the collection of MSS. marked H. 3. 18, in the library of Trinity College, Dublin, from the MS. marked Egerton 88, in the British Museum library, from one marked Egerton 90, in the same library, and from two MSS. in the library of the Royal Irish Academy, marked respectively in the Brehon Law transcripts, 35. 5 and 43. 6, but known in the new classification of the MSS. of that institution, the former as $\frac{23}{Q.6}$, and the latter as $\frac{23}{P.3}$. These passages, &c., &c., have been introduced in the way of interpolation where they contained any matter not found in the three MSS. first mentioned.

Of the MSS. made use of for this volume the two in the collections H. 2. 15, and H. 3. 17, furnished almost the entire text, glosses, and commentary of the Corus Bescna, the concluding part of the Senchus Mor. A *fac-simile* specimen page of each of these MSS. was prefixed to the second volume of the Ancient Laws and Institutes of Ireland, and they will be found so fully described in the preface to that, and also in the preface to the first volume of the same work, that it is unnecessary to describe them at any length here.

H. 2. 15, is a large folio volume consisting of 238 pages, written partly on vellum, partly on paper. The part treating of Brehon laws appears to have been written not later than the beginning of the fourteenth century of the Christian era.

H. 3. 17, is a collection of MSS. forming a thick volume in small quarto, written on vellum. Its contents are miscellaneous, chiefly law tracts. It consists of fragments of several books, written at various times in the fourteenth, fifteenth, and sixteenth centuries.

The materials for the second and much larger part of the volume now issued to the public have been derived from the collection of MSS. marked E. 3. 5, in the library of Trinity College, Dublin. This collection forms a folio volume of about 100 pages, written on vellum about the first half of the fifteenth century of our era. The part transcribed and translated for the Brehon Law Commissioners consists of twenty pages of very large folio, treating of Brehon laws, and forty pages of smaller sized folio, containing the laws ascribed partly to Cormac Mac Airt, monarch of Ireland, in the third century, and partly to Cennfaeladh, who flourished at a much later date. This latter part begins with a statement as to the place of the composition of the work, its author, occasion, &c.; the authorship is ascribed expressly to the two persons above named, marks being specified by which to distinguish the portion contributed by each. The nature and date of these laws have been discussed in an earlier part of the preface to the present volume. A *fac-simile* specimen page of the MS. is prefixed.

The copy of the Book of Aicill contained in E. 3. 5, is the only known copy of that book at all approaching completeness, except, indeed, one in the library of Lord Ashburnham, which is believed to be an earlier and, in some respects, a fuller copy, but which, unfortunately, neither the Brehon Law Commissioners nor the editors employed by them were enabled to avail themselves of, the rules of that nobleman's library not permitting his collection of MSS. to be made use of for the purposes of the Commission.

It would of course have been very desirable to collate the copy in Lord Ashburnham's collection with that in E. 3. 5, T.C.D., had the opportunity been afforded. There is, however, good reason to believe that little advantage to the student of ancient Irish law would have been gained by such collation, inasmuch as from an examination of the contents of that MS. as set forth at considerable length by Dr. O'Connor in the Stowe catalogue, and as given also by the late Dr. Petrie in his History and Antiquities of Tara Hill, it will be seen that scarcely any article stated to be contained therein is wanting in the T.C.D. copy, while several items, not noticed as existing in the Stowe copy, are found in the T.C.D. MS., or in the fragments obtained from Egerton 88 and Egerton 90, in the library of British Museum, and from the MSS. in the Royal Irish Academy. Dr. O'Connor, in the catalogue above mentioned, speaks of the MS. he was describing as a unique copy of Brehon laws; but as the present publication proves, he was on this point misinformed. The copy in E. 3. 5, T.C.D., and the interpolations from the MSS. in the British Museum and in the Royal Irish Academy, supply, it is believed, as complete a collection of the laws traditionally, and doubtless in a great degree correctly, ascribed to Cormac Mac Airt and Cennfaeladh as the existing MSS. of the Brehon laws can furnish.

Egerton 88, a MS. from which some assistance has been obtained in editing the present volume, has been fully described in the preface to the second volume of the Senchus Mor. It is a small folio book, consisting of about 93 folios, the greater part in double columns, with a small portion at the end in triple columns. It bears internal evidence of having been copied for Domhnall O'Davoren who, according to Professor O'Curry, kept a law school in the county Clare, in the year 1567, A.D. The portions taken from it will be found enclosed within brackets, and marked in the margin of this volume, from C. 2137 to C. 2603.

Egerton 90, from which a few passages have been taken, is a MS. of a fragmentary character. It is very probably a part of Egerton 88, or of some other of O'Davoren's books. It consists of eight leaves, and treats of various law matters. The portions relating to the subjects discussed in the Book of Aicill, and containing matter not found in the MS. E. 3. 5, have been interpolated in their proper places. They form part of the transcripts made by Dr. O'Donovan, and will be found referred to in the margin of Vol. III., between O'D. 1956 and O'D. 2019. The fragments of Brehon laws in this MS. are apparently portions of different books, the first part having formed a portion of a large octavo, or small quarto volume, and the second part a portion of a small folio. Both parts have ornamental capital letters; the first has fewer accents but more frequent marks of aspiration; the second is written in a smaller and neater hand.

The MS. marked in the Brehon Law transcripts as R.I.A. 35. 5, is a small parchment folio of fifty-two pages which are mere fragments of different books, written apparently in the sixteenth century, and containing laws and regulations on various subjects. It has been copied in the O'Curry transcripts. The portions interpolated from it are marked C. in the margin of the Book of Aicill, as published in the present volume, with an Arabic numeral indicating the page of the O'Curry transcripts where the part interpolated is to be found.

The MS. now marked $\frac{23}{\text{P. 3.}}$ in the R.I.A. collection, and formerly 43·6 is a folio volume, written on vellum, and treating for the most part of religious subjects, but containing at the end two small fragments of different law books, in a hand apparently of about the middle of the fifteenth century. A copy of these law fragments is contained in the O'Curry transcripts, from page 1862 to page 1940. The portions interpolated from this MS. in the present volume will be found within brackets, and marked on the margin at the beginning of each interpolation with a numeral indicating the page of the transcript where such interpolation is to be found.

The text of the volume now given to the public has been settled on the plan so fully described in the prefaces to the two volumes already published. The whole of it (with the exception of a few short and comparatively unimportant passages) has been taken from Dr. O'Donovan's transcripts.

It has been carefully collated with the original MSS. in every instance. The interpolations are all such as that distinguished scholar recommended, and are placed where according to the best of his judgment they ought to be introduced. The lengthening out of the contractions which occur in the original MSS. has been given everywhere on his authority and that of Professor O'Curry, who were perhaps of all men that have lived within the last two centuries, the best authorities on all matters connected with our Irish MSS. preserved in this country.

With respect to the translation of the present volume, it is to be understood that the preliminary translation made by Dr. O'Donovan for the Brehon Law Commissioners has been made, throughout, the basis of that now published. The translation of the first tract, the Corus Bescna, or customary law, he did not live to revise. It has however been carefully revised throughout; some words and phrases left untranslated have been rendered into English after mature consideration, and a diligent examination of all available glossaries, as well as of passages elsewhere occurring in the Irish laws wherein the words and phrases in question were to be found. Both in this tract and in that which follows, as also in the two volumes already published, a few terms of a technical character for which it was difficult to find a precise equivalent, have been left untranslated, and marked with inverted commas. As the work of publishing the remainder of the Ancient Irish laws proceeds, there is reason to hope that light will be thrown on passages now very obscure; and at the conclusion of the whole work it will not be difficult to supply a glossary of all such words and phrases as it may have been deemed advisable to leave untranslated before. This course was followed in the publication both of the Ancient Laws of England, and of the Ancient Laws of Wales. Indeed a comparison of these latter works with the published volumes of the Irish laws will show at a glance that the proportion of words and phrases left untranslated in the latter is much less than is the case in either of the former.

As regards the second and by far the larger portion of the volume, the Book of Aicill, the editors had the advantage of the views and suggestions not only of Dr. O'Donovan, but also of Professor O'Curry. The Book of Aicill was translated by Professor O'Curry for the Royal Irish Academy so far back as the year 1843, with a view of proving the possibility of translating the Brehon Laws. It was afterwards translated for the Brehon Law Commissioners by Dr. O'Donovan. Owing to the great difficulties in the translation of the law terms of these earlier portions of the Ancient Irish Laws, the two translations presented considerable differences, and a large number of law terms was left untranslated. The differences in the translations were collated by Dr. Hancock, the first legal Editor, and his assistant, Mr. Busteed, now Judge Busteed. These differences were brought under the notice of Dr. O'Donovan and Professor O'Curry, and on careful consultation, a revised, and what in many cases amounted to a new translation, of a large part of the work was made. With the aid of the light thus thrown on the interpretation of the law terms, Dr. O'Donovan translated a large number of the words which had been left untranslated in his first draft. The translations made by Dr. O'Donovan under these circumstances were subsequently made use of in revising the whole of Dr. O'Donovan's translation. A portion thereof, about three sheets, was set up in type, and even reached a second proof. On these sheets remarks were made by Professor O'Curry and Dr. O'Donovan; and suggestions were offered as to the manner in which the work should be edited. Dr. O'Donovan had revised more than half the Irish in MS., and had arranged as to the portions to be interpolated, and the places where they ought, according to his judgment, to be introduced. When the work had reached this stage, the Commissioners adopted the plan of separate instead of joint Irish editorship; the Senchus Mor was entrusted to Dr. O'Donovan, and the Book of Aicill, on which Dr. O'Donovan and Professor O'Curry had done so much, was postponed. After Dr. O'Donovan's death, Professor O'Curry completed the revision of the Irish MS. of the Book of Aicill, but the plan of publishing it under his editorship was prevented by his death. Of all that had been done on the work by the eminent Irish scholars whose premature loss the lovers of Irish literature must always deplore, the present editors have had the advantage, an advantage which they thankfully acknowledge to have been of the utmost value to them. Dr. O'Donovan's translation of the Book of Aicill revised as above explained, has been substantially followed, such alterations only being made as it may reasonably be inferred from the pages corrected by him in proof he would himself have made, had he been spared to revise all the proofs.

CORRIGENDA.

Page 3, side-note, for *Irish contracts by word of mouth* read Ir. *Contracts of mouth.*
,, 7, line 23, for '*is known*' read '*is discovered.*'
,, 13, ,, 26, *for* 'absconding' *read* 'request.'
,, 15, ,, 6 from bottom, *for* 'According to' *read* 'Subject to.'
,, 19, *for* 'security' *read* 'warranty.'
,, 21, line 6 from bottom, for 'a collection' *read* 'the assembly.'
,, 33, ,, 6, *for* 'in each' *read* 'in the.'
,, 35, ,, 13, *for* 'state' *read* 'position.'
,, 39, ,, 12, *for* 'the first lawful wife' *read* 'a lawful first wife.
,, 43, last line, first word, *for* 'cows' *read* 'seds.'
,, 49, line 25, *for* 'if it be' *read* 'if he be.'
,, 62, ,, 6, *dele* comma after 'ꝺenum.'
,, 63, ,, 14, *after* 'every' *read* 'one.'
,, 66, note [1], *for* 'note [2], page 32, *read* 'note [1], page 28.'
,, 91, line 4, *for* 'in Irish' *read* with the 'Irishian.'
,, 107, note [2], *for* 'pingims' *read* 'pinginns.'
,, 128, line 1, *for* 'ꞅeoıꞃ' *read* ꝼeoıꞃ.
,, 151, ,, 23, *for* 'anfolam' *read* 'ansolam.'
,, 155, ,, 5, *for* 'said' *read* '*said.*'
,, 358, note [1], *for* 'read' *put* 'reads.'
,, 381, line 4 from bottom, *for* 'beef' *read* 'the beef.'
,, 460, note [2], *for* 'of the owner' *read* 'to the owner.'
,, 463, line 25, *for* 'chattel' *read* 'sed.'
,, 539, ,, 18, *for* 'mulct is paid' *read* 'airer'-fine is exacted.'

senchus mor.

SENCHUS MOR.

PART III.

SENCHUS MOR.

CORUS BESCNA.

CUSTOMARY LAW.
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Co harragar a coraib bel, ar is bailedach in bith muna astatais cuir bel?

Corus bescna .i. coir seis, seis ċoir in bafesa gnae no aibind: Co harragar, cindus airgiṫir he for trebaire co coir o belaib. Ar is bailedach .i. áir ro bad eloṫach a ba, a maith isin bith, muna tisdais co huair da astuḋ na cuir ṫucad ris co coir o belaib.

Cor da sochond co fis ocus trebuire is taithmechta re cethora huairaib fichet uile; is astaide o cetheora uairib fichet amach.

Cor da sochond cen fis, cen trebaire, is taithmechta a diubairt uile co raib fri re dechmaide iar fis a diubarta. Is landilis uaḋ iar ndeċmaiḋ.

Cor da soċond cen fis co trebaire, ro saig leath a diubarta co deċmaiḋ iar fis.

Cor da sochonn co fis cen treabaire, is astaide trian a diubarta aire iar cetheora huairaib fichet, ro saig da trian a diubarta co deċmaiḋ, no da trian a cunrada mad ferr lais: ocus is e trian caċ cor mbel in sain. Trian cor mbel imorra trian a diubarta.

Cor da soċonn cen fis cen trebaire, ocus ro cuindig a

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[1] *Corus Bescna.*—In O'D. 18, this is called *Cain Corusa Bescnu*, and said to be the fifth book of the *Senchus Mor.*

[2] O'D. 313, adds here:—"And this was the security of extern people."

[3] *The third of the fraud.*—In O'D. 793 and 794 the following commentary occurs:—"The third of the express contract, i.e. the third of the thing which one gives away by proper express conveyance. In a contract of two sane adults with

SENCHUS MOR.

Corus Bescna,[1] or the Customary Law.

HOW is one bound by express contracts,[a] for the world would be evilly situated, if express contracts were not binding?

Customary Law.

[a] *Irish contracts by word of mouth.*

Corus Bescna, i.e. the true rule ('coir seis') of the pleasant or delightful knowledge. How is one bound, *i.e.* how is he properly bound by his warranty by word of mouth? *For the world* would be evilly situated, for its 'ba,' *i.e.* goodness would vanish from the world, if the contracts properly made by word of mouth had not nobly come to retain it (*the goodness*).

The contracts of two sane adults with knowledge and warranty is dissoluble in twenty-four hours; it is binding from twenty-four hours forth.

In the contract of two sane adults without knowledge, without warranty, all its fraud may be dissolved for ten days after the fraud is known. It is completely binding on him (*the defrauded party*), after ten days.

In the contract of two sane adults without knowledge, but with warranty, he may recover half the fraud (*the amount in which he is defrauded*) within ten days after knowledge *of it.*[2]

In the contract of two sane adults with knowledge *but* without security, the third of the fraud (*the amount in which he is defrauded*) is irrecoverable by him (*the defrauded party*) after the lapse of twenty-four hours, *but* he may recover two-thirds of what he is defrauded in till ten days, or two-thirds of his contract (*the consideration given by him under the contract*) if he prefers it, and this is the third of every express contract. The third of the express contract is (*to be taken to be equivalent to*) the third of the fraud.[3]

In the contract of two sane adults without knowledge, without warranty, in case he demanded *the amount of* the fraud *committed on*

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knowledge, without warranty, if one finds that he is defrauded, he has his choice either to recover two-thirds of the fraud (*the amount in which he is defrauded*) and forfeit the other third, retaining what he bought, or to recover two-thirds of the fraud (*the amount in which he is defrauded*) and two-thirds of what he gave for the goods and forfeit one-third of both, and return his purchase."

CUSTOMARY LAW. diubairt iartain, muna tartar dlige ḋo, it dilsi do a seoit fein, ceni troisce. Dia troisce is cuic seoit, ocus commesruguḋ folaḋ, dia ndamtar cert do. Muna damtar cert do is a fola fein lais ocus cuic seoit.

Cair cis lir chuir dochuirsin? Nin. A do; sochar, ocus dochor.

Cair .i. comaircim cia ler no cia lin do coraib tarraister and. Sochar .i. cor comloige. Dochor .i. diubarta.

Cair cis lir in socor? Nin. A tri; cor itir da lan, itir da saer, itir da soċond, nad fuasnaithter cuir.

Cair .i. comaircim cia ler no cia lin do ernailaib fuil for in sochor itir. Cor itir da lan .i. folad comtoirnithe .i. nach indles cor cid itir da eccond. Itir da saer .i. itir da sorer, fir saera sodelba nad fuaidirter cuir, .i. fir dianad cuma a nereirt ocus a naicde. Itir da soċond .i. cor da sochonn co fis ocus co trebaire. Nad fuasnaithter .i. noco inscailter na cuir do niat noco tecur fucha.

O'D. 313, 314. [Cach cunnrud a mbia ainim a nincleiṫ, dia fesur in ti o mberur, is a athċur cid bec cid mor teasbus de, ocus cutrumus na hainme dic la taeb aiṫgina. Muna fesur, is tuilleḋ fris co ro seiseḋ, ocus is a athcor ma moa ina seiseḋ, ocus ni cunntabuirt cuna amuich tugad in ainim. Ma cunntabuirt imurro, is let gaċa haiṁme dic, ocus feduiġ a athcor ma moa ina seiseḋ leṫ na haiṁme. No dono co na beṫ athcor ma cunntabuirt in ainiṁ, dia mbe trebuir, is leṫ na hainme do ic; ma cunntabuirt is ceṫruime na hainme dic, uair nocha nfedunn trebuire ni it ina ainim incleiṫe do gres, muna fesur fo cetoir; dia fesur imorro fo cetoir it slana cia beṫ trebuire

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[1] *Or questioned.*—The commentary following is found in O'D. 314 and 798, and it also occurs in nearly, but not exactly, the same words in C. 659.

[2] *It shall be added to.*—The damages payable in respect of the defect in the subject matter of the contract shall be increased until they are equivalent to one-sixth of the consideration given by the defrauded party under the contract.

[3] *If it be more than one-sixth.*—That is, if the damages payable in respect of the defect be more than one-sixth.

him; if law be not ceded to him, his own 'seds' are forfeited to him, without fasting. If he fasts, it is five 'seds' and an adjustment of goods *that are due,* if right be ceded to him. If right be not ceded to him he shall have his own 'seds' and *a fine of* five 'seds' *besides.*

CUSTOMARY LAW.

Question. How many kinds of contracts are there? Answer. Two; a valid contract, and an invalid contract.

Question, i.e. I ask how many or what number of contracts are recognised? A valid contract, i.e. a contract where the consideration on each side is equal.[a] Invalid contract, i.e. frauds.

[a] Ir. *A contract of equal value.*

Question. How many are the valid contracts? Answer. Three; between two 'lan-persons,' between two 'saer-persons,' between two sane adults, whose contracts are not impugned.

Question, i.e. I ask how many or what number of kinds of valid contracts are there? A contract between two 'lan'-persons, i.e. equal value on both sides, i.e. such a contract is not unlawful even between two idiots. Between two 'saer'-persons, i.e. between two good men, noble good-faced men, whose contracts are not impugned, i.e. men whose word and deed are alike, *i.e. who perform what they promise.* Between two sane adults, i.e. the contract of two sane adults with knowledge and warranty. Not impugned, i.e. the contracts which they make must not be dissolved or questioned.[1]

Every contract in which there is, *in the subject matter of the contract,* a concealed defect, if the person from whom it (*the defective article*) was received is known, it (*the defective article*) shall be returned, be the defect small or great, and the amount of the defect shall be paid together with restitution; but if he is not known, it shall be added to[2] until it amount to one-sixth, but it (*the subject matter of the contract*) shall be returned if it[3] be more than one-sixth, and there is no doubt that it was outside[4] the defect was caused; but if there be doubt, half of every defect shall be paid for, and the thing may be returned if half *the loss in value caused by* the defect be more than one-sixth *the consideration given by the purchaser.* Or else there shall be no returning if the defect be doubtful,[5] if there be warranty, half the defect shall be paid for, *i.e. made good;* if there be doubt *as to where the defect arose,* one-fourth of the defect shall be paid for, for warranty can never affect any thing with a concealed defect, unless it be made known at once; but if it be made known at once, they (*the purchasers*) are safe, whether there be warranty or not.

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[4] *Outside.*—That is, not while the subject matter of the contract was in possession of the vendor.

[5] *If the defect be doubtful.*—That is, if it be doubtful in whose custody the subject matter of the contract was when it was injured.

CUSTOMARY LAW ci ni be. Ocus iar niubaile sin. Ocus ite ainme atberur sunn, suile ruamanna, ocus suile can imcisin, 7rl; ocus ni fuil iubaile for ainim inċleiṫe iartain co decmuid iar fis na hainme.

Ma gallra bunuig imurro inntib im .i. odbach ocus adbuch ocus iuḋa fothuch, ocus lec os cru, ocus delgniuch do eachuib, ocus gaċ galar bunuid ċeana bis i ninnilib ocus doine; dia tisut friu fri re niubaile, is a nathcur uile muna be trebuire, ocus muna cunntabairt co na galur bunuid. Dia mbe trebuire C 1039. imurro, is a leṫ do ic; [mad cundtabairt imorro is a leṫ do ic]; muna be trebuir [sin;] dia mbe trebuire is cetruime do ic. No dono is a leṫ do ic ce beṫ trebuire ci ni be, ar is cunntubuirt mad imuig tugaḋ in galur ainn sin, no in tall ro fas inntib, ocus is fri tuillter ainnsin; ocus ni haṫcur bis forru. Ocus ma biḋ iat ceinis cunntaburtaċ is con tí nos beir bid co ro moaid no co ro ternaid, ocus dono dia mbet dechmuid a fis cin fuaitred, ni dlegar a aṫċur, na fuilleḋ iartain no resin mbeag.]

Cor foceird baeth fri gaeth, ara findtar a saithed; is cor.

Cor foceird baeth .i. cunnrad do ni in teccodnach ris in codnaḋ. Ara findtar .i. ro fitir in ni is saeth leis; berair uad a diubairt. Is cor .i. sain im a astad.

Dochar ar a findathar gaith do gniat, randtair an diupairt i nde; icthair a leth do rathaib do roachaib, a leath naill is diles.

Dochar .i. in drochor do niat na gaith i fetatar a ndiubairt do brith. .i. is dochor cid cor. Findathar .i. in gaeth. Randtair .i. urrandtair a uran erirt ar do. Icthair .i. icair ima astud a leṫ ar scath enig na trebaire rarofechad ann. Do rathaib .i. dind rofechad briathar do rigned for na rataib. A leath naill .i. in leaṫ aile is diles eisein a dualgus fessa .i. cor da sochonn co fis ocus co trebaire sin .i. fria fis ocus fria trebaire fein.

Cor da fochond co fis ocus co trebaire, ro soich a diupairt

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[1] For the names of diseases incident to horses and different kinds of cattle, *Vid.* C. 297, 1,038.

[2] *Outside.*—That is, before the subject matter of the contract came into the vendor's possession.

This is after the proper period. And these are the defects mentioned here: i.e. red eyes, and eyes without sight, etc., and there is no proper period for a concealed defect afterwards till ten days after knowledge had of the defect.

If there be fundamental diseases, namely 'odhbach,' and 'adhbhach,'[1] and 'iudha-fothuch,' and 'lec-os-cru,' and 'deilgniüch' in horses, and every other original disease that is incident to cattle and to persons; *and* if they be objected to within the proper period, they shall be all returned, unless there be warranty, and unless there be doubt that it is an original disease. But if there be warranty, the half shall be paid; and if there be doubt, the half shall be paid, that is, if there be not warranty; if there be warranty the fourth shall be paid. Or else the half shall be paid, whether there be warranty or not, for it is doubtful in that case whether the disease was given outside,[2] or whether it had grown in them within,[3] in which case addition shall be made to them, *i.e. the purchaser retaining the defective article shall receive compensation*, and there is not a return of them (*the articles sold*). If they being *of* doubtful *defect or disease* remain with the person who took them until they perish or recover, and if he has had knowledge of such disease for ten days without going to law, their return is not required by law, nor can addition *to the compensation for the loss* be had afterwards, be it ever so small.

A contract which a fool makes with a sane man in which fraud is discovered; it is a contract.

A contract which a fool makes, i.e. a contract which the idiot makes with a man of sound mind. In which fraud *is known*, i.e. the thing which is injurious to him is known; the fraud shall be taken from him, *i.e. he must make good the fraud to the non-compos*. It is a contract, i.e. it is binding.

In a bad contract which is known *to be bad* made by sensible men, the *fraud* is divided in two; the half is paid by the 'roach'-sureties (*the party who has given the warranty*), the other half is forfeited.

A bad contract, i.e. the bad contract which sensible people make, in which they knew that fraud existed, i.e. though a contract it is a bad contract. Which is known, i.e. *by* the sensible. Is divided, i.e. the fraudulent amount, or excess that is given (*on the one side*) is divided in two. Is paid, i.e. the half of it is paid for the sake of the honour of the surety which was estimated in it. By the 'roach'-sureties, i.e. the estimation in words made upon the sureties. The other half, i.e. the other half is forfeited on account of knowledge. And this is the contract of two sane adults with knowledge and warranty, i.e. for knowledge and for warranty itself.

In a contract of two sane adults with knowledge and warranty, all the *amount obtained by* fraud is recoverable, or the contract *may*

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[3] *Within.*—That is, while in the vendor's possession.

uile, no a cundrad fri ceiṫri huaire fichet; is diles uad uile o sen anund itir diupairt ocus cundrad.

Cor da socond cen fis cen trebaire, ro soich a diupairt uile co dechmaid iar fis. Mad cunnrad taithmiges co dechmaid do beir da trian a cundruda, ocus facaib a trian.

Cor da soconn co trebaire cen fis, ro soich leath a diuparta co dechmaid iar fis; ocus is trebaire achtrand in sein.

Cor da soconn co fis cen trebaire, ro soich da trian co dechmaid iar fis, ocus facaib trian a diuparta fria fis, ocus is fria curu bel fein.

Mad cunnrad taithmiges facaib trian a cunnrada; no dno is trian a diubarta facaib fria trebaire fein, ocus feiseḋ fria fis.

Sochorach cach saer; saer cach saithiu; slan ara finnathar gaith; go cach diupairt na airigter baith.

Sochorach .i. cor da sochonn co fis ocus trebaire. .i. is degcorach do neoch cunnrad do denam ris na soferaib. Saer .i. is saer im a dilsi o neoch inni soetair uad a diubairt fessa. Slan .i. islan ima dilsi uathaib inni ro fetatar na gaith do briṫ uaṫu a ndiubairt fessa. Go cach diupairt .i. is go lium a astad in urain eirirt berair o na baethaib cen airiugad doib, .i. is baeth caċ aen nad airid a diubairt.

Baeth cach crecas fri mac mbeoathar i necnairc a athar cen forngaire, cen aititin. Atdaim na foeige, nad inarban iar fis, focumac.

be rescinded within twenty-four hours; *but* all is forfeited by him (*the aggrieved party*) from that forth, both the *amount obtained by* fraud and *the right to rescind* the contract.

CUSTOMARY LAW.

In the contract of two sane adults without knowledge, without warranty, the whole of the *amount obtained by* fraud is recoverable for ten days after knowledge *had*. If it be a contract which may be dissolved till *the expiration of* ten days he (*the aggrieved party*) can recover two-thirds of his contract (*the thing sold by him*), leaving one-third.

In a contract of two sane adults with warranty without knowledge, half the amount obtained by fraud is recoverable till ten days after knowledge *had*; and it was the warranty of an extern in this case.

In the contract of two sane adults with knowledge without warranty, two-thirds may be recovered till ten days after knowledge *had*, and he (*the purchaser or party defrauded*) leaves (*fails to recover*) one-third of the *amount obtained by* fraud for knowledge, and it is for verbal contracts themselves.

If it be a contract which may be dissolved, he (*the vendor*) leaves the third of the *subject matter of the* contract; or else, *although the contract be dissolved*, he leaves *in the possession of the purchaser* one-third of the *amount obtained by* fraud for the warranty itself, and one-sixth for knowledge.

Every 'saer'-person may make a contract, every 'saithiu'-person is a 'saer'-person; what the sensible man has known is safe; false is every fraud which the foolish do not perceive.

May make a contract, i.e. the contract of two sane persons with knowledge and warranty, i.e. it is lawful for one to make a contract with the freemen. 'Saer'-person, i.e. free as to forfeiture to the person is the thing of which he is defrauded without his knowledge. Safe, i.e. safe as to forfeiture is the thing which the sane persons have known to be taken from them by concealing the truth. False is every fraud, i.e. I deem it false to retain the overplus which is taken from the foolish without their perceiving it, i.e. every one is foolish who does not perceive that he has been defrauded.

Every one is foolish who deals with the son of a living father in the absence of his father without *his* authority, without *his subsequent* adoption. *It is a maxim of the law that* one adopts what he does

Customary Law.

Baeth .i. is baeth don caċ recus ní re mac in athar bi a necmais a athar, .i. fri mac gor, no fri mac ingor. Cen forngaire .i. cen a forcongru ro cetoir .i. ria na denam. Cen aititin .i. iar na denam, .i. can biṫ ina aititin iartain, .i. ar is inand do neoċ ocus ro beṫ ina aititin muna derna foeigium im a fuaitread. No foeige .i. oca denam. Nad inarban .i. iar na denam .i. maini derna a hindarbad iardain. Iar fis, focumac .i. ro cumang iar mbeṫ a fesa aice.

Fosuid cach aititiu; adsuidet foluid rudrad cach ronaidm riadair iar nairilliud, ar said aititiu.

Fosuid .i. fosaigid aititiu na cenn, .i. is maiṫ is astaigṫe in cunnrad o beithir ina aititin can na neichi sein do denam. Adsuidet .i. is astaide in cunnrad o bias fola lan loiġi and. Rudrad .i. is amail ni teit anae rodair he im astud o remnigtir era luad fola lan loigi and. Ar said aititiu, .i. na cend, .i. is astaide in cunnrad o beiṫair ina aititin can a fuaitred co dligteċ.

Fuidre flatha, daermanaig eclaise, faenledaig fine bite for ursocra, meic, mna, baith, bailedaig, druith, dochuinn, dasachtaig faenan cuma coir; ni astaither saithiud na docur na sochur foraib, cen a fir codnachu oc forngaire a cor.

Fuidre flatha .i. cid saer fuidre, ci daer fuidre .i. na fodair bit ac an flaiṫ, na fuidir grui ocus gola ocus gabla ocus gill de bas. Daermanaig .i. na manaig daera bit ec in eclais, na manaig nuna ocus gola ocus gabla. Meic .i. ingora. Mna .i. adaltracha. Baith

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[1] *The fact.*—That the contract had been entered into by an unauthorized person on his behalf.

[2] *The heads.*—That is, the chiefs, guardians, &c.

[3] *These things.*—The things agreed on by the contract to be done.

not disallow, *or* what he does not repudiate after knowledge, having power *to do so.*

Customary Law.

Foolish, i.e. it is foolish for every one who sells a thing to the son of a living father in the absence of his father, i.e. to a 'mac-gor'-son, or a 'mac-ingor'-son. Without authority, i.e. without its being ordered at first, i.e. before doing it. Without *subsequent* adoption, i.e. after doing it, i.e. without being in recognition of it afterwards, i.e. for it is the same thing to one as to be in acknowledgment of it unless he gives notice of opposing it. Does not disallow, i.e. at the doing of it. What he does not repudiate, i.e. after making it, i.e. unless he rejects it afterwards. After knowledge, having power, i.e. having the power *to break the bargain* after having obtained the knowledge (*of the fact*).[1]

Every *subsequent* adoption renders *the contract* binding; the *proper* qualifications *of the person who adopts the contract* render permanently binding every contract entered into according to law, for adoption renders *it* binding.

Renders binding, i.e. adoption renders it binding on the heads,[2] i.e. the contract is well confirmed when the parties have adopted it although they do not these things.[3] *Qualifications* render binding, i.e. the contract is binding when there is valuable consideration. Permanently, i.e. it is, as it were, like a thing that has passed into prescription with respect to its confirmation when full value has been given and received. For adoption renders binding, i.e. *on* the heads (*chiefs, guardians, &c.*), i.e. the contract is confirmed when it is adopted *by the parties entitled to repudiate it* without being legally disturbed.

The 'fuidhir'-tenants of a chief, the 'daer'-stock tenants of a church, fugitives from a tribe, who are proclaimed, sons, women, idiots, dotards, fools, persons without sense, madmen, are similarly regarded with respect to their contracts; no deception, or bad contract or fair contract is made binding upon them, without their true guardians *being present* authorizing their contracts.

The 'fuidhir'-tenants of a chief, i.e. whether 'saer'-stock 'fuidhir'-tenants or 'daer'-stock 'fuidhir'-tenants, i.e. the minor tenants that a chief has, i.e. the 'fuidhir grui'-tenants and '*fuidhir* gola'-tenants and 'gabhla'-tenants, and the hostages saved from death. 'Daer'-stock 'manach'-tenants, i.e. the 'daer'-stock tenants belonging to the church, i.e. the 'manaigh nuna'-tenants, '*manaigh* gola'-tenants and '*manaigh* gabhla'-tenants. Sons, i.e. the 'ingor'-sons. Women, i.e. adulteresses. Idiots, i.e. persons of half reason or

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.i. fear leṫcuind no leiṫceille. Bailedaig .i. in senoir. Druith .i. co rath. Dochuinn .i. mir cen rath, no mic beca. Dasachtaig .i. fo tabair dlai fulla. Faenan cuma .i. is fonaen, inunn luim ro cumad, no ro cutrumaiġed iatsaide do reir coir, ocus in luċt romaind im taideċt fo coraib. Ni astaither .i. noco nastaiṫer orro in ní is saeth leo .i. diubairt cen trebaire. Na docur .i. diubarta do galraib bunaiḋ no dainmib incleithe cu trebaire. Na sochur .i. co na riaċtanas a les .i. lan log. Cen a fir codnachu .i. cen a codnachu iar fir ac forcongur na cor do genat. Forngaire .i. oca denam.

Cor cach forngaire; forngaire cach natmaithi; anscuiche cach lanfola; lan cach slan; slan cach tothlaiġṫe dia riastar cach a saithiud, cia da ni iarum aithrechus iardain is dilis a saithiud. Mana ṫi nech aile fo a curu ni mesi fadesin donaithim curu a bel.

Cor cach forngaire .i. is cor dligṫech he ima astud o bias lanad fola comtoirmṫi ann. Forngaire .i. is lor da forcongur o beitir ina aititin cen a fuaitred .i. iar na denam. Anscuiche .i. is doilgiti a scuchad im a taithmeaċ o bias fola lanloigi and. Lan cach slan .i. islan he ima astad o bias lanad folad comtoirnithi ann .i. is amail no beṫ lan fola ann dia mbe a slanugad o cind. Slan cach tothlaigṫe .i. islan o neoch in ni toṫlaiges amuiċ, mada findara in caċ sin in ni soetair uad a diubairt fessa. Cia da ni iarum aithrechus .i. ce do ne aithrechus imme iarum iardain noco roiṫ hi. Is dilis .i. is dilus in ni soetair uad a diubairt fessa. Ni mesi .i. no co cuimgech he budein a taithmech.

Atatt teora haimsira i mbi bailidach in bith; re cuairt duinebaid; tuarad lia cocṫa; fuaslucad cor mbel.

Atatt .i. atait teora re suthaine ina elothach a ba, a maith as in bith. Re cuairt duinebaid .i. badad depiltin ar na dainib a cae uird in re. Tuarad lia cocṫa .i. is se tuar no tar is lia ann imad cocaiḋ. Fuaslucad cor mbel .i. uatuaslugad in neich cuirius nech uad co coir o belaib.

Atait a tri nodicat; dechmada, ocus primite, ocus almsana; argairet re cuaird duinebaid; traethad

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[1] *By the head.*—That is, by the chief, guardian, &c., of the contracting party.

sense. **Dotards**, i.e. old men. **Fools**, i.e. of use (*able to do some work*). **Persons without sense**, i.e. lunatics without use, or little boys. **Madmen**, i.e. upon whom the magic wisp has been thrown. **Are similarly regarded**, i.e. I hold that these are similarly or alike regarded or estimated according to what is just, as the persons *mentioned* before with respect to impugning their contracts. **Is made binding**, i.e. what is injurious to them is not fastened upon them, i.e. fraud without warranty. **Or bad contract**, i.e. fraud in original diseases or concealed defects *in cattle* with warranty. **Or fair contract**, i.e. with its requirements, i.e. full value. **Without their true guardians**, i.e. without their real guardians authorizing the contracts which they make. **Authorizing**, i.e. at the making of them.

Every command is a contract; every recognition is a command; every full value is immovable; every 'slan'-person is *one who has* full *value,* every request is safe if every one knows his due, but should he repent afterwards, his right is forfeited. Unless another person impugns the contracts he himself (*the contracting party*) cannot dissolve express compacts.

Every command is a contract, i.e. it is a lawful contract in respect of binding, as full value is given on both sides. ***Every recognition* is a command**, i.e. being in acknowledgment of it without disturbing it, is a sufficient command, i.e. after making it. **Immovable**, i.e. it is difficult to move it so as to dissolve it, when full value has been given. **Every 'slan'-person is *one who has* full *value***, i.e. it is safe as to its confirmation when full value has been given on both sides, i.e. it is as if full value had been given, if it be confirmed by the head.[1] **Every absconding is safe**, i.e. safely from one is *recovered* what he (*the security*) carries out, if every one knows or finds out what has been carried off from him without his knowledge. **But should he repent afterwards**, i.e. but though he should repent him of it afterwards he cannot get it. **Is forfeited**, i.e. what is carried off from him unknown to him is forfeited. **He *himself* cannot *dissolve***, i.e. he himself is not capable of dissolving it.

There are three periods at which the world is worthless; the time of a plague; the time of a general war; the dissolution of express contracts.

There are *three periods*, i.e. there are three particular periods at which its worth, *i.e.* its good departs from the world. **The time of a plague**, i.e. a mortality carrying off the people in the course of that time. **The time of a general war**, i.e. the greatest prognostic or disgrace that prevails is much war. **The dissolution of express contracts**, i.e. recalling of the thing which one has put away from him properly by word of mouth.

There are three things which remedy them: tithes, and first fruits, and alms; they prevent the occurrence

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cairde la rig ocus tuaith; argair tuarad lia cocṫa; astad caich ina sochur ocus ina dochur; argair bailidiu in betha.

Dechmada .i. co cindead. Primite .i. tosach gabala caċ nuatoraid. Almsana .i. can cindead. Argairet .i. urgairit sein co na bi baad deiriltin ar na dainib a eae uird in re. Traeċhad cairde .i. trenaethad, no trentimurgain na tuath don rig fo smaċt ċana no cairde. Argair .i. urgairit sein co nacha e tuar no tar is lia ann imat cocaiḋ. Astad caich .i. cuitid fess ocus trebaire do cunnrad na memor i fiadnaise na cenn.

Co astaidter tuatha i mbescna? Adragar caċ fria techta; cleirig ocus caillecha fri heclais fo reir anmcarat, co racht ocus riagail, co tarngaire co brud, gell iar mbrud, fri corus rachtge ecalsa, fo reir abbad ocus anmcarat techta.

Co astaidter tuatha .i. cindus astaiṫir na tuatha do reir baḟesa gnae no aibind .i. ina ndligud. Adragar .i. airgitir cach fria dliged fein. Fri heclais .i. uair is and is aicned doib bith. Anmcarat .i. in ain risi carṫanach a anim. Co racht .i. forcetal soisceile do bit acin na nanmcarait .i. im nemcaiṫem feola i nainib ocus i cetainib. Riagail .i. im aon airbirt biṫ o noin do noin. Co tarngaire .i. tarngaire o gradaib ecalsa ocus o ailithrib ocus o caillecaib aṫrige, gell nuinge o caċ olcena di saeglonnaib ocus o gradaib uird eclasa 7rl, ocus on dialluċ so iar turbrud. Co brud .i. o daermanach. Gell .i. o daermanchaib beos. Fri corus rachtge .i. fri coir reir, reir coir diriataid na heclaisi. Fo reir abbad .i. annoite. Anmcarat .i. in aibellteoir, no in deoraid de.

Laich ocus laichcesa, ocus aes tuaithe adragar fri flaith; fedaitar flaith slechta o isel co huasal fri corus tuaithe.

[1] *Soul-friends*; anmcarat.—*Confessarius Synhedrus*; Colgan, Trias Thaum., p. 298, compared with Annals of the Four Masters, A.D. 1064. Anamchairtea; *Doctores*—Zeuss, Gram. Celt. vol. i, p. 10.

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of plague; they confirm peace between the king and the people; they prevent the prevalence of war; they confirm all in their good contracts and in their bad contracts; they prevent the worthlessness of the world.

Tithes, i.e. in a fixed amount. **First fruits**, i.e. the first of the taking of each new fruit. **Alms**, i.e. without limitation. **They prevent**, i.e. these prevent mortality from coming to carry off the people in its career. **They confirm peace**, i.e. they keep or restrain the people under the control of 'cain'-law or 'cairde'-law to the king. **They prevent the *prevalence of war***, i.e. these prevent that much war should be the prevailing misfortune or disgrace. **They confirm all**, i.e. they afford knowledge and security for the contract of members (*persons not sui juris*) in the presence of the heads (*chiefs*, *guardians*, *&c.*)

How are people bound in customary law? All are restrained by their own (*special*) rules; clerics and nuns by the church subject to *the judgment of* soul-friends, by law and rule, by a promise till they break, and a pledge after breaking, by the right law of the church, subject to lawful abbots and soul-friends.

How are people bound, i.e. how are the people restrained according to the good, pleasant, or delightful knowledge, i.e. according to their law. **Are restrained**, i.e. every one is bound by his own law. **By the church**, i.e. for it is there it is natural for them to be. **Soul-friends**, i.e. they who love their souls. **With law**, i.e. the instruction of the Gospel which the soul-friend has, i.e. respecting the non-eating of flesh on Fridays and on Wednesdays. **Rule**, i.e. as to one meal from evening to evening. **With promise**, i.e. a promise from the several members of the church in their respective orders,[a] and from pilgrims and from nuns doing penance, *i.e.* a pledge of one ounce from all in general to their superiors, and from the several degrees of the ecclesiastical order, etc., and this, after violating their promises. **Till they break**, i.e. 'daer'-stock tenants of church lands. **A pledge**, 'daer'-stock tenants of church lands still. **With the right rule**, i.e. with the true rule, the proper direction of the church. **According to their abbot**, i.e. of the 'annoit'-church. **Soul-friends**,[1] i.e. the hermit, or pilgrim.

Heroes and heroines, and the country people are ruled by their chief; all the chieftain classes from humble to noble are governed by the 'corus tuaithe'-law.

[a] Ir. *Grades.*

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Laich .i. grad flatha. Laichcesa .i. laech uaisi .i. uais leo leis na laeċaib feis le mnaib na ngrad flatha. Aes tuaithe .i. na graid feine. Adragar .i. airgiṫir iat fo dliged na flatha. Fedaitar .i. do airgiṫer na slechta flatha. O iseal .i. o inol.. Co huasal .i. na ngrad .i. co hor. Fri corus tuaithe .i. fri coir seis, seis coir na tuaithe.

Cair cis lir corusa do cuisin i tuaith? Nin. A tri: corus flatha, corus fine, corus fene; contechgatar uile.

Cair .i. comarcim cia ler no cia lín do coirseisib, do seisib ċoir idirscnaiṫir no tarairstir isin tuaith. Contechgatar .i. coitcennaidit uile in corus fine, no in corus feine.

Cair caite corus fene? Comaithcesa, lanamnasa, aithne, oin, airliucad, comaine, crecce, cundurta, congillne, othrusa, athgabail eirce braċa.

Cair .i. comaircim caidi aithne in neich dlegar do na feinib a fis ċoir. Comaithcesa .i. re da taeb ocus re da airċenn. Lanamnasa .i. ingen caich dib da ceile, in neoc ar na fuil briathar erluma. Aithne .i. comaiṫni. Oin .i. uain .i. o caċ dib da ceile. Airliucad .i. o caċ dib da ceile. Comaine .i. cunmaine o caċ dib da ceile .i. an foid in gaire. s. d. Crecce .i. for briathraib. Cundurta .i. tiagait cuind ocus ratha. Congillne .i. caċ dib do dul i cuma trebaire tar cend a ceile. Othrusa .i. adoiriṫin uais bid ocus leaġa o caċ dib da ceile. Athgabail .i. caċ dib do dul do fuaslucud a athgabala mar aen re ceile. Eirce .i. eneclann ocus dire ocus aithgin .i. do cind na athgabala .i. achtugad uil aturru ima hic caċa neich tiucfa ċucu; no is cin coitcend doib, masa dualgus cinad ninbleogan ata orro a cin.

Corus fine fodlaib selb co na finib aicnedaib, ocus acradaib, co neoch arascuiret.

Corus fine .i. fodeilgṫir in fearann do na finib a fis ċoir. Co na finib .i. a mic ocus a nua. Acradaib .i. a mic faesma ocus a ngoirmic. Co neoch arascuiret .i. a ndeoraid ocus a murcairthe.

[1] *Family.*—The Irish word for family is put in on conjecture, the original in the MS. being very faint.

Heroes, i.e. the chieftain grade. Heroines ('laichesa'), i.e. 'laech-uaisi,' the noble wife of the hero, i.e. they, the heroes, deem it noble to unite with women of chieftain grades. Country people, i.e. of the 'feini grade. Are ruled, i.e. they are restrained under the law of the chief. Are governed, the chieftain classes are restrained. From humble, i.e. as to family.[1] To noble, i.e. of the grades, i.e. to the summit. By the 'corus tuaithe'-law, i.e. by the right direction, the proper rule of the country.

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Question. How many 'corus'-regulations are there in a territory? Answer. Three; 'corus flatha,' 'corus fine,' 'corus feine;' they are all comprised in it (*the 'corus tuaithe'*).

Question, i.e. I ask how numerous or how many regulations, *i.e.* right rules, are distinguished or established in the territory. Are comprised, i.e. are all contained in the 'corus fine' or the 'corus feine.'

Question. What is the 'corus feine'-law? Tillage in common, marriage, giving in charge, loan, lending, equal goods, purchases, contracts, mutual pledges, attending the sick, distress for 'eric'-fine.

Question, i.e. I ask how is the thing which it is right for the Feini to do, known according to true knowledge? Tillage in common, i.e. *common* as to the two sides and the two ends. Marriage, i.e. the daughter of each of them to the other, such a person as is not under the word (*curse*) of a patron saint. Giving in charge, i.e. mutual charge. Loan, i.e. 'uain,' i.e. from the one to the other. Lending, i.e. from each of them to the other. Equal goods, i.e. equal goods from each of them to the other, i.e. whether it be *for* a long or a short *time*, S.D. Purchases, i.e. by words. Contracts, i.e. *into which* sane adults and sureties enter. Mutual pledges, i.e. each of them goes mutually as security for the other. Attending the sick, i.e. noble relief of food and medical advice from the one to the other. Distress, i.e. each of them *is* to go along with the other to release his distress. 'Eric'-fine, i.e. honour-price, and 'dire'-fine and restitution, i.e. for the distress, i.e. there is a stipulation between them respecting the payment of every thing which will come to them; or it is a liability common to them, if they are responsible for the liabilities of their kinsmen.

The 'corus fine'-law divides the land among the natural tribemen, and the adopted sons, as well as those whom they have received among them.

The 'corus fine'-law, i.e. the land is divided among the tribe-men according to true knowledge. Tribe-men, i.e. their sons and grandsons. Adopted sons, i.e. their adopted sons, and their 'gor'-sons. Those whom they have received, i.e. their strangers and their sea-sent persons.

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Corus flatha fri aicgillne, fri fleda, fri mancaine, fri focra, fri gella, fri raċta ocus sobera, condeset cirt coir.

Corus flatha .i. coir seis, seis coir na flatha ris in luċt leis a nuca ṫogaide ceillsine do aicgillne .i. daeraicilli. Fri fleda .i. dul leis dol a fleiġi. Fri mancaine .i. fear caċa samairci. Fri focra .i. cana no cairde no sloigid. Fri gella .i. dul leis dfuaslucud a gill no a geill .i. corab e do bera gell tar a cend. Fri raċta .i. fri dirgetaid cana no cairde. Sobera .i. nos dligṫech. Condeset .i. co taraister iat do reir cirt iar cae ċoir, no aṁail is choir do reir ċirt.

Cair; cis lir fleda do cuisin? Nin. A tri: fled deoda, fled doena, fled demanda.

Cair .i. comaircim cia ler no cia lin discnaidter no taristér do cain in fesa, no do cain na hindisin.

Caite in ḟled deoda? Dan do dia, dan domnaig de sechtmaine, urtach sollomain, biathad disertaig, dan do eclais, biathad grinde, fuirired naiged de, didnad do truagaib, cosrecad tempuill, puirir do biathad, boicht do didnadaib; fo da comilset.

Dan do dia .i. ni do tidnucul do dia. Dan domnaig de .i. cutruma in neich caithes de domnaiġ .i. a cuit domnaiġ on lanamain dia neclais. Sechtmaine .i. maine be lind; dia mbe lind is dia mis. Urtach sollomain .i. caisc no notlaic ⁊rl. Biathad disertaig .i. biathad inti is ada ina firt, in tailiṫir. Dan do eclais .i. dechmada ocus primite ⁊rl. Biathad grinde .i. biat cretme .i. bathais .i. log in baistithi. Fuirired naiged de .i. foirithnigniugaḋ biḋ do na haigedaib ar dia, .i. feacht féile. Didnad do truagaib .i. lorga ocus lamanna ocus cuaraind do tabairt ar dia

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[1] '*Samhaisc*'-*heifer*.—The tenant supplies a working man to the chief for every 'samhaisc'-heifer which the chief has given as stock.

[2] *Godly banquet*.—In C. 2,830, the following explanation of this passage is given:—"The godly feast, the human feast, the worldly feast, are all different. The godly feast, i.e. a thing that is offered for the sake of God, such as the food of Sunday and of the solemn festivals; and *the food* of the pilgrim and the food of the baptism, and the food of the wake, and such others; and the one night's entertainment.

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The 'corus-flatha'-law, *i.e. of a chief* in relation to tenants, for banquets, for manual labour, for proclamation, for pledges, for regulations and good morals, that they may attain to perfect justice.

The 'corus flatha'-law, i.e. 'coir-seis,' the right ('coir') rule ('ꞅeıꞅ') of the chief as against those people who have chosen to hold as tenants under him, i.e. 'daer-stock' tenancy. For banquets, i.e. to go with him (*the tenant*) to drink *at* the banquet *at his house*. For manual labour, i.e. *for furnishing* a man for every 'samhaise'-heifer.[1] For proclamation, i.e. of 'cain'-law, or 'cairde'-law, or hosting. For pledges, i.e. to go with him to redeem his pledge or his hostage, i.e. that it be he that will give a pledge for him. For regulations, i.e. for the rules of 'cain'-law or 'cairde'-law. Good morals, i.e. lawful custom. That they may attain to *perfect justice*, i.e. that they may be restrained according to justice in a proper manner, or as is proper according to justice.

Question: How many banquets are there? Answer,—Three; a godly banquet, a human banquet, a demon banquet.

Question, i.e, I ask how many or what number of banquets are distinguished or enumerated in the 'cain'-law of knowledge, or the 'cain'-law of narration?

What is the godly banquet?[2] A gift to God, the Sunday gift every week, the celebration of the solemn festival, feeding a pilgrim, a gift to a church, baptismal refection,[3] feeding the guests of God, sheltering the miserable, consecrating a church, feeding paupers, harbouring the poor; it is well if they observe these.

A gift to God, i.e. to offer a thing to God. The Sunday gift, i.e. as much as he spends on Sunday, i.e. the Sunday meal to be given by the married pair to their church. Every week, i.e. if there be not ale; if there be ale, it is every month. The celebration of the solemn festival, i.e. Easter or Christmas, etc. Feeding a pilgrim, i.e. to feed the person who is as it were in his grave, the pilgrim. A gift to a church, i.e. tithes and first fruits, etc. Baptismal refection, i.e. religious food, i.e. of baptism, i.e. the price of the baptism. Feeding the guests of God, i.e. to give relief in food to guests for God's sake, i.e. a night's entertainment. Sheltering the miserable, i.e. to give them staves and gloves and shoes for God's sake, i.e. full feeding to whatever

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The human banquet means the food of tenancy. The worldly banquet is, 'boil fat for me, and I will equally boil fat for thee.'"

[3] *Baptismal refection.*—Over the ᵹ of the word "ᵹꞃınꝺe" in the MS. a later hand has written "c," intimating probably that the word may also be spelled "cꞃınꝺe."

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doib .i. cid be truag ric a les .i. a lan biathad doib. Ruirir .i. qui pera parcitur .i. sastaid o teiġ .i. a folortnugad doib inn tallaḋ for nech. Boicht .i. a teannsaith do na bochtaib .i. oc na bi tiag itir. Fo da comilset .i. is maith in tacomul sin, ocus denat, no bit a deg com imulang a mbochta ar dia.

Dlegar do ḟlaithaib do nimairget caċ dib for a deis.

Dlegar .i. dlegar do na flathaib timorgan caich dib for a ferann diles budein .i. do na flaṫaib dlegair a tobach o na tuathaib don eclais. Do flaithaib .i. caċ ain dib seo anuas for a ferand.

Caite in ḟled doena? Fled cuirmtige caich dia ḟlaith amail bes a dliged, dian ceset a airilltnib, feis, fuirririud, dithit.

Fled cuirmtige .i. fled ol corma. Dia flaith .i. budein. A dliged .i. do ċeilib, .i. meit a ratha. Ceset a airilltnib .i. do rath ocus do setaib turclaide, .i. doset a frithḟola caċ flaith. Feis .i. cuiriud. s. d. .i. in aidċi .i. co lind. Fuirririud .i. cen chuiriud .s. d. .i. i lo .i. cen lind in aidche. Dithit .i. cid cu lind cid cen lind .i. illau. s. d.

Cobfodlaib fuirririud; fosernatar feba; biathad congbala fri sochride tuaithe fri cuingid sira ocus dligid, ocus fri frecra nindligid. Cummaine feine feraib fuirired.

Cobfodlaib .i. cobdeiligṫir fodeiliugad in degfuirririd sea; do srathnugad do foebtaig .i. fo uaisletaid. Biathad congbala .i. ac denam cana ocus cairdi .i. bo caċ orba. Fri sochride tuaithe .i. in tan bis ac denam degcairde don tuaith. Fri cuingid sira .i. im fiachaib cindti .i. doib imuich. Dligid .i. im fiachaib ecindti. Fri frecra .i. fri frecra caċ indligid do cuirend cuice .i. dar a cend

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[1] *Bound to levy.*—Over the letters "air" of the word "imairget," in the MS., is written by a later hand, "no airat," implying that the word may be also written "imairat."

miserable persons stand in need of it. Paupers, i.e. qui pera pascitur, i.e. who are fed by the bag, i.e. what they take from each is sufficient for them. The poor, i.e. *to give* full sufficiency to the poor, i.e. who have not bags at all. It is well if they observe these, i.e. this is a goöd observance, and let them well support, or be supporting, their poor for the sake of God.

The chiefs are bound to levy[1] each of these upon their land.

Are bound, i.e. the chiefs are bound to levy each of these *donations or refections* on their own lawful lands, i.e. it is the duty of the chieftains to levy them from the laity for the church. The chiefs, i.e. *to levy* each of these things *mentioned* above upon their land.

What is the human banquet? The banquet of each one's feasting house to his chief according to his (*the chief's*) due, to which his (*the tenant's*) deserts entitle him; *viz.*, a supper with ale, a feast without ale, a feast by day.

The banquet of the feasting house, i.e. the feast of drinking beer. To his chief, i.e. *his* own *chief.* His due, i.e. from tenants, i.e. *according to* the extent of his stock *given.* His deserts entitle him, i.e. in stock and returnable 'seds,' i.e. before each chief *can get* his returns. A supper with ale, i.e. a convivial meeting, S.D., i.e. in the night, i.e. with ale. A feast without ale, i.e. without a convivial meeting, S.D., i.e. in the day, i.e. without ale in the night. A feast by day, i.e. whether with ale or without ale, i.e. in the day, S.D.

The feast without ale is divided; it is distributed according to dignity; the feeding of the assembly[2] of the forces of a territory *assembled* for *the purpose* of demanding proof and law, and answering to illegality. Suppers with ale, feasts without ale, are the fellowship of the Feini.

Is divided, i.e. a distribution is made of this good feast without ale; it is distributed according to dignity, i.e. according to nobility. The feeding of a collection, i.e. at the making of 'cain'-law, and 'cairde'-law, i.e. a cow *from* every farm. The forces of a territory, i.e. when they are making goodly 'cairde'-law for the territory. To demand proof, i.e. respecting definite debts, i.e. by them outside. And law, i.e. respecting uncertain debts. To answer, i.e. to answer for every illegality with which he is charged, i.e. for him

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[2] *The assembly.*—The 'congbhail,' which has been translated 'assembly,' may perhaps mean a collection of food made at the different 'congbhails,' to furnish a meeting with food.

CUSTOMARY LAW.

imach. Cummaine .i. cuma a maine do na feinib .i. fleḋ domunda in so ocus is . . . es fled. S. d. Fesaib .i. in aiḋċi .i. co lind. Fuirired .i. foiriṫniugad bid do cid ilo cid in aidchi .i. cen lind.

Coir mancuine fri sloiged, fri dunad, fri gell, fri dail, fri digail, fri fuba, fri ruba, fri fognam do Dia, fri fortacht noibre in coimded; ocus caich dia flaith, dia fine, dia abaid, a coimded do cumdach do cach mainiugad, do cach lesugad iar nDia ocus duine, fri sobes, fri sorecht, fri soairle; arus dligtech cach torba techta, cach somaine, cach saescuir, cach sochla (bes dir do flaith) sreccuir cach domaine do fuba fri flaith. Adregar in o mblegar, fegar assenar cach ndliged do neimtib iar nDia ocus duine.

Fri sloiged .i. dul leis ina sloiged. Fri dunad .i. dul leis ina dunaḋ. Fri gell .i. dul dfuaslucuḋ a gill .i. co ra fris icait fuillium a gill. Fri dail .i. dul lais do cum dala .i. aenaiġ. Fri digail .i. gresi ceineoil. Fri fuba .i. na tri fuba .i. fo loingsechu ocus eċtaitiu ocus maca tire. Fri ruba .i. na tri ruba .i. roime fri raind ocus belada ocus cricha. Fri fognam .i. caċ sechtmad la is techtmain .i. in caeca no in cethracha. Fri fortacht noibre .i. fri foirithin na horri dliges a comditin a tigerna de. Dia flaith .i. corab da flaith fein do ni in caċ sin. Dia fine .i. dia art fine. Dia abaid .i. corab da araid fein do ne in cach sin. A coimded do cumdach .i. a tigearna do cumdach. Do cach mainiugud .i. do beodilib ocus mairbdilib. Do cach lesugud .i. do biud ocus coimiteacht. Iar nDia .i. na heclaisi. Ocus duine .i. na tuaithe. Fri sobes .i. ċana, .i. athgabail no nos. Fri sorecht .i. cairde .i. cain. Fri soairle .i. cairde .i. urradais, no nos dligṫeċ. Arus dligtech cach torba techta .i. dib sin uile .i. do biud do flaith. Cach somaine .i. do biathaḋ ocus do manċuine .i. do sétaib do eclais. Cach saescuir .i. caċ socindiud dib sin deachaib ocus do srianaib. Cach sochla .i. dagduine lais do cum nairechta .i. is degċlu caċ ni dib sin, no is degċlu don caċ sin sochraite leis do cum ndala no aireaċta .i. do aċċur ass caċ indligtiġ tic do fodiuba a flathamnas imme. Adregar .i. for in cintach .i. for giall. In o mblegar .i

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[1] *And it is a banquet.*—Some words of the Irish have been here lost by the cutting away of part of the margin of the MS.

[2] *Due to a chief.*—The Irish words in parenthesis are written over the line in the MS. by a different hand.

outside. Fellowship, i.e. they are mutual goods with the Feini, i.e. this is the worldly banquet, and it is a banquet[1] *for which another is given in return*, S.D. Suppers with ale, i.e. in the night, i.e. with ale. Feasts without ale, i.e. a relief in food to him whether in the day or in the night, i.e. without ale.

CUSTOMARY LAW.

Proper work-service for a hosting, for building a 'dun'-fort, for a pledge, for a meeting, for avenging, for service of attack, for service of defence, for serving God, for assisting in the work of the Lord; and each *should render this* to his prince, to his tribe-*chief*, to his abbott, to protect his lord in his property, in each service according to God and man, for good custom, for good law, for good counsel; for every lawful profit is legal, every return, every 'saescuir'-offering, every mark of respect which is due to a chief,[2] to remove every inconvenience which annoys his chief. What is sued is levied, what is demanded is paid of what is due to distinguished persons according to God and man.

For a hosting, i.e. to go with him on his hosting. For building a 'dun'-fort, i.e. to go with him in building it. For a pledge, i.e. to go to redeem his pledge, i.e. that it be by him the interest of his pledge be paid. For a meeting, i.e. to go with him to a meeting, i.e. a fair. For avenging, i.e. a family quarrel. For service of attack, i.e. the three services of attack, i.e. against pirates, robbers, and wolves. For service of defence, the three services of defence, i.e. before him into the mountain and the pass and the boundary. For serving *God*, i e. every seventh day in the week, i.e. the fifty or the forty *days*. For assisting in the work, i.e. for assisting in the work which is due of him to support *the church of* his Lord God. To his prince, i.e. that it be for his own prince each one does this. For his tribe-*chief*, i.e. to the head of his family. To his abbot, i.e. that it be for his own abbot each one does this. To protect his lord, i.e. to defend his lord. In his property, i.e. of live chattels and dead chattels. In each service, i.e. of food and going with him *a hosting*. According to God, i.e. the church. And man, i.e. the laity. Good custom, i.e. of 'cain'-law, i.e. distress or custom. Good law, i.e. 'cairde'-law, i.e. rule. Good counsel, i.e. 'cairde'-law, i.e. 'urradhus'-law, or lawful custom. For every lawful profit is legal, i.e. of all these, i.e. of food to a chief. Every return, i.e. of food and labour, i.e. of 'seds' to a church. Every 'saescuir'-offering, i.e. every well-defined *offering* of these in horses and bridles. Mark of respect, i.e. a good man with him to the assembly, i.e. every thing of these is a good character, or it is good credit to each of these to have a force with him to the meeting or assembly, i.e. to expel from thence every unlawful person who comes to undermine his chieftaincy. Is levied, i.e. from the debtor, i.e. the hostage. What is sued, i.e. of the kins-

for in inbleogain. Fegar .i. indsaiġtir orro maraen .i. for cintach. Assrenar .i. eirniṫir uathib maraen .i. uadaib uile. Cach ndliged do neimtib .i. caċ ni dib is dliged do nemṫib. Iar ndia .i. do eclais. Duine .i. dia flaith.

Fled domonda .i. fled do berar do macaib bais ocus drochdainaib .i. do druthaib, ocus caintib, ocus oblairaib, ocus bruidiraib, ocus fuirseoraib, ocus merlechaib, ocus geintaib, ocus merdrechaib, ocus drochdainaib archena, doneoch na tabair ar comain talmanda, ocus na tabair ar ḟochric nemda, is dilis iarum do deman in fled sin.

Dlegait flaithe foruaslaicter a ngella; geallait dechmada, ocus primite, ocus almsana for a fine ocus for a naicgillne; cach marflaith for a tuatha. Troithaiṫ aindbthine di dagbesaib cana ocus rechtge, ocus dagbesgnu, ocus chairdiu.

Dlegait .i. co ra ḟuaslaicet na ceile na gella do berat na flatha tar a cenn. Gellait .i. geall do berar ris na dechmadaib. Primite .i. tosach gabala caċ nuatoraiḋ. For a fine .i. na ceatheora fine. For a naicgillne .i. saerceile ocus daerceile. Cach marflaith .i. caċ flaith mor for a tuathaib corab da reir do bera gell. Troithait .i. a trenaeṫad, no a trentimurgun da nanfech. Di dagbesaib .i. do deigbes gnae no aibind na riagla. Rechtge .i. urradais .i. nos no bes no dire dula. Dagbesgnu .i. cid i cain cid i cairde. Chairdiu .i. air budein.

Cach recht nad oge dliged a mamu ni bo hogdirid; ni fordiubarar nach recht gaibter ar thorbu; dligtir do diri.

Cach recht .i. caċ richt duine na comoigenn in moamugud no in greim dlegar de. Ni bo hogdirid .i. noco nogfriger dire do, no ni bo

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[1] *A demon feast.*—Over the first o in the word 'domonda' of the MS. another hand has written 'no e,' implying that the word might also be spelled 'demonda.'

CUSTOMARY LAW.

man-surety. What is demanded, i.e. *what is demanded* is sought from both, i.e. from the debtor *too*. Is paid, i.e. it is paid by them both, i.e. by them all. Every thing which is due to distinguished persons, i.e. every thing of them which is due to distinguished persons. According to God, i.e. to a church. Man, i.e. to his chief.

A demon feast,[1] i.e. a banquet which is given to sons of death and bad men, i.e. to lewd persons and satirists, and jesters, and buffoons, and mountebanks, and outlaws, and heathens, and harlots, and bad people in general, which is not given for earthly obligation, and is not given for heavenly reward—such a feast is forfeited to the demon.

The chiefs are entitled to the redemption of their pledges; they give pledges for *the payment of* tithes, and first fruits, and alms by their tribe and their tenants in 'aigillne'-tenure; every great chief *is entitled to them* from his people. They remove foul weather by *their* good customs of 'cain'-law and right, of good 'bescna'-law, and 'cairde'-law.

Are entitled, i.e. that the tenants should redeem the pledges which the chiefs give in their behalf. They give pledges, i.e. the pledges which are given for the tithes. First fruits, i.e. the first of the gathering of each new fruit. By their tribe, i.e. the four tribes. Their tenants in 'aigillne'-tenure, i.e. their 'saer'-stock tenants and their 'daer'-stock tenants. Every great chief, i.e. every great chief *has a claim* upon his people, that *they act* according to the pledges which he has given. They remove *foul weather*, i.e. they put down or remove their over-charges. By good customs, i.e. by the pleasant or delightful custom of the rules. *And* right, i.e. of the 'urradhus'-law, i.e. a custom, or manner, or 'dire'-fine for cattle. Good 'bescna'-law, i.e. whether in 'cain'-law or in 'cairde'-law. 'Cairde'-law, i.e. for itself.

Every person who does not fulfil the law of his service shall not have full 'dire'-fine; no one found at profitable work shall be defrauded; 'dire'-fine is due to him.

Every person, i.e. any description of person who does not fulfil the service or the duty required of him. Shall not have full 'dire'-fine, i.e. full 'dire'-fine shall not be ceded to him, or his 'dire'-fine shall not be perfect. No one

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CUSTOMARY LAW.

hoġ a dire. Ni fordiubarar .i. noco diubarar naċ riċt duine gabair ac denam gnimraid torba. Dligtir do diri .i. in diri dliges dadbul eirniud do.

Diriche cach dia flaith, dia eclais, dia fine, do neoch adregar doib; cach memar dia chind choir. Ordaib neimid nuither cuardaib.

Dia flaith .i. fein. Dia eclais .i. fein. Dia fine .i. fein. Do neoch adregar .i. do neaċ airgithter do dleisin doib. Cach memar .i. caċ meamar curub do reir a cind athchomairc bes do reir ċoir. Ordaib neimid .i. ordaithter in turdrucugad sain do na neimṫib iar cae uird .i. uirdrucithter eneclann do nemed fo uaisletaid, cidbe cuaird i mbe.

Cach thuath co rig; cach ri co na thuaith do cum necalsa co na gradaib; cach grad co na mamaib; cach mam ina comairlib coiraib. Cengair tre fogail do. Da fet airilliud indrucus endge. It teora eirce airliter.

Cach thuath .i. curab and do ne imdenam orra. Co na gradaib .i. is in eclais hisin. Cach grad co na mamaib .i. caċ graḋ isin moamugud no is in ġreim ċrabaiḋ dleġar de. Cach mam ina comairlib .i. caċ greim crabaiḋ do denat curab do reir ċomairle a cind athcomairc do net he. Tre fogail .i. eneclann ocus dire ocus aithgin. Da fet .i. ise remeteit ina huird aisneisen airelleod. Airilliud .i. im ṫochus. Indrucus .i. i mbreithir. Endge .i. i ngnimraḋaib. It teora eirce .i. eraluaiḋter na teora eirce seo do ar a scaṫ .i. eneclann ocus dire ocus aithgin .i. eneclann ocus eneċruice ocus enechgris.

Arachta cach racht isa sund conarrachta in da recht. Recht aicnig ro bai la firu erind co tiachtain creitme i naimsir Laegaire mic Neil. Isa

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[1] *He be:* his dignity remains even after the loss of his property.

[2] *Proper counsels.*—That is the specific directions of the superior.

[3] *Desert.*—In C. 833, the reading is, toréc .i. is tuisgiu innrucus ocus

found at profitable work shall be defrauded, i.e. no description of person found doing work of profit shall be defrauded. 'Dire'-fine is due to him, i.e. the 'dire'-fine to which he is entitled *is* to be amply paid to him.

CUSTOMARY LAW.

Let every one pay to his chief, to his church, to his tribe, that which is due to them; each member *is to pay* to his proper head. Distinguished persons of every grade have honor according to their dignity.

To his chief, i.e. his own. To his church, i.e. *his* own. To his tribe, i.e. *his* own. That which is due to them, i.e. which is fixed to be due to them. Each member, i.e. that every member should be according to the will of his head of counsel by right. Distinguished persons of every grade, i.e. this distinction is ordained for the distinguished persons after a proper manner, i.e. honor-price is ordained to a distinguished person according to his nobility, in which circle soever he be.[1]

Every people *has a duty* towards its king; every king together with his people *has a duty* towards the church and its members in their several orders;[a] every order should be submissive *to its superiors,* every *act of* obedience *should be done* in accordance with proper counsels.[2] *There are* three *classes of* trespasses to him. Worthiness and purity take precedence of desert. Only three 'eiric'-fines are ordained.

Every people *has a duty*, i.e. it is there (*before the king*) proof is proffered against them. In their several orders, i.e. in that church. Every order should be submissive, i.e. every order *is to be* in the submission or in the obedience of piety which is due of it. Every obedience in accordance with *proper* counsels, i.e. every act of piety which they do, they should do according to the advice of their head of counsel. Three trespasses, i.e. honor-price and 'dire'-fine, and restitution. Take precedence, i.e. they go before desert,[3] in the order of narrative. Desert, i.e. as to wealth. Worthiness, i.e. as to word. Purity, i.e. as to deeds.[4] Only three 'eric'-fines, i.e. these three 'eric'-fines are ordained for him (*the king*) instead of them, i.e. honor-price, 'dire'-fine, and restitution, viz., honor-price, 'enechruice'-fine, and blushfine.

Every law which is here *was* binding until the two laws were established. The law of nature was with the men of Erin until the coming of the faith in

[a] Ir. *Grades.*

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enna indara airilliud, i.e. worthiness and purity take precedence of desert, (*desert by wealth*).

[4] *Deeds.* The text seems defective here.

CUSTOMARY LAW.
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naimsir side tanic patraic. Is iar credem do feraib erend do patraicc co neirgedta in da recht, racht naicnig, ocus racht litre.

Arrachta .i. is erḟuaiġṫi caċ diriataid dib ro sis. Isa sund .i. isin ṫsenchus. Recht aicnig .i. na fear firean. Co tiachtain creitme .i. la patraic. Racht naicnig .i. ro bai ac fearaib erend. Racht litre .i. tucastar patraic leis.

Do airfet dubtach mac ua lugair in file racht naicnig; is e dubtach ceta tarat airmitan feid do patraic; is e ceta neracht riam i temair.

Corc mac luigdech ceta ro slecht do. Bai side a ngiall la laegaire. Frisbruig din laegaire fri patraic, daig in druad matha mac umoir, do rarngart saide in drai do laegaire getad patraig biu ocus marbu aire.

Cairid mac findchaim ceta ro slecht do ina dedaig saide; im ba file la laegaire.

Erc is e cet duine ro erid re patraic ac ferta fer feige, for bru boinde, ocus angeis ro slecht.

Do airfet dubtach .i. ro tairbenastair dubṫach mac ua lugair in file, diriataid in aicnid ro bi ac aḋam. Is e dubtach .i. cet duine tucastair airmitean nanoraiġ ar dus do patraig i ttampaig. Airmitan feid .i. uaisliataid do briaṫraib. Is e ceta neracht .i. is e cet duine ro eirġestair reime riam he isin teampaiġ. Corc mac luigdech .i. deoganaċt ċaisil. Ceta ro slecht .i. is é cet duine ro ṫslechtastair do is in teampaiġ. Frisbruig .i. tucastair ar aiḋe laeġaire fritḃruḋ do patraic. Daig in druad .i. is di ro haḋair, do ċomairle in druaḋ. Matha mac umoir .i. do ṫuathaib de donand, no do fearaib bolg. Do rarngart .i. ro ṫarrnġairestair. Getad .i. foġnam na mbeo a ndeċmada ocus a primiti 7rl. Biu ocus marbu .i. trian dibaid ocus ceandaṫe na marb.

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[1] '*Ceandathe*'-*goods*.—That is what one leaves to a church by his last will and testament.

CUSTOMARY LAW.

the time of Laeghaire, son of Nial. It was in his time Patrick came *to Erin.* It was after the men of Erin had believed Patrick that the *other* two laws were established, the law of nature, and the law of the letter.

***Was* binding**, i.e. each law of these down here was binding. **Which is here**, i.e. in the 'Senchus.' **The law of nature**, i.e. of the just men. **Until the coming of the faith**, i.e. with Patrick. **The law of nature**, i.e. which the men of Erin had. **The law of the letter**, i.e. which Patrick brought with him.

Dubhthach Mac Ua Lugair, the poet, exhibited the law of nature; it was Dubhthach that first gave honorable respect to Patrick; he was the first who rose up before him at Temhair.

Corc, son of Lughaidh, was the first who knelt to him. He was a hostage with Laeghaire. But Laeghaire gave opposition to Patrick, because of the Druid Matha MacUmoir, who had prophesied to Laeghaire that Patrick would take the living and the dead from him.

Cairidh MacFennchaim was the first who knelt to him afterwards; he was poet to Laeghaire

Erc was the first man who rose up before Patrick at Ferta-fer-feige, on the brink of the Boinn, and Angeis, who knelt.

Dubhthach exhibited, i.e. Dubhthach Mac Ua Lugair, the poet, showed the right rule of nature which Adam had. **It was Dubhthach**, i.e. *he was* the first man who at the first paid honorable respect to Patrick at Teamhair. **Honorable respect**, i.e. nobility in words. **He was the first who rose up *before him***, i.e. he was the first man that ever rose up before him at Teamhair. **Corc, son of Lughaidh**, i.e. of Eoghanacht of Cashel. **The first who knelt**, i.e. he was the first man who knelt to him at Teamhair. **Gave opposition**, i.e. Laeghaire therefore made opposition to Patrick. **Because of the Druid**, i.e. it was to it, *i.e.* to the advice of the Druid, he paid respect. **Matha MacUmoir**, i.e. of the Tuatha De Dananns, or of the Firbolgs. **Who prophesied**, i.e. who predicted. **Would take away**, i.e. the service of the living in tithes and first fruits, etc. **The living and the dead**, i.e. the third of the bequest and 'ceandathe'-goods[1] of the dead.

Customary Law.

Saerfaiḋ mugo, mo aichrid docenel tria grada ecalsa, ocus tre fognam naithirge do dia; arus ursloice in flaith; ni meria cach cenel duine iar creitem, itir saercenalaib ocus daercenel; imta samlaid in eclais is ursloice ar cind cach duine do neoch do taet fo recht.

Saerfaid .i. mac na ndaer iar fuaslucud a daire .i. daera dia leicter dfoglaim. Docenel .i. graḋa feine. Tria grada ecalsa .i. do dul forro. Tre fognam naithirge .i. tre fognam do denam do dia ac aiṫriġi, .i. in nailiṫre. Ar'us ursloice in flaith .i. ar is huatuaslaicṫi flaith nime re cach nduine isaer i cenel do neoċ tic fo dligeḋ ċreitme. Saercenalaib .i. graḋ flatha. Daercenel .i. graiḋ feine. Imta .i. is inann leam .i. as amlaid fein ata in eclais, is uatuaslaicti hi ar cind caċ duine do neoċ tic fo diriataid.

Ro raide dubthach mac ua lugair in fili brethem fer nerend a racht aicnid ocus a racht faide, a ro fallnastar faidsine a racht aicnid im breithemnus indse herend, ocus ina filedaib do toircechnatar, diḃu faide leo, do nicfa berla ban biaid .i. racht litre.

Ro raide .i. ro raiḋestair dubṫaċ mac ua luġair in file a mbreithemnassa dferaib eireand do reir ḋiriataid. Racht aicnid .i. na mbreitheman, morand, ocus fithal, 7rl. Racht faide .i. na filed .i. diriataiḋ na faistine ro bi ac na faiḋib anallut, no a faistine fein. Faidsine .i. a ro follamnaigestair faistine na faiḋe in diriataid in aicniḋ do breiṫemnaib na hindsi seo eireand, ocus do na filedaib. Racht aicnid .i. i ninbaid reachta aicnid. Do toircechnatar .i. ro ṫarrnġairsetar din na faiḋe in fir berla bias in leiġend. Racht litre .i. diriataid in ṫsoiscela isiḋeic.

Ata mara a recht aicnid ro siachtat ar nad rocht racht litre. Do airfen din dubtach do patraic; ni nad udcaid fri breithir nde a racht litre, ocus fri cuibse na creisen conairiged a nord mbreṫeman la

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[1] *Judgments.*—Over the last two letters of the word 'brethem,' translated judgments, there are written in the MS. 'no bra' with a mark of contraction over the r.

CUSTOMARY LAW.

The enslaved shall be freed, *and* plebeians shall be exalted by *receiving* church grades, and by performing penitential service to God; for the Lord is accessible; he will not refuse any kind of person after belief, either among the noble or the plebeian tribes; so likewise is the church open for every person who goes under *her* rule.

The enslaved shall be freed, i.e. the sons of bond men after their being released from bondage, i.e. bond men who are admitted to learning. Plebeians, i.e. the Feini grades. By church grades, i.e. *by having ecclesiastical grades* conferred upon them. By penitential service, i.e. by doing service to God in penitence, i.e. in pilgrimage. For the Lord is accessible, i.e. for the Lord of heaven is accessible to every person who is free in race as coming under the law of faith. Noble tribes, i.e. the chieftain grades. Plebeian tribes, i.e. the Feini grades. So likewise, i.e. I deem it similar, i.e. thus also is the church, it is open to every person who comes under *her* rule.

Dubhthach Mac Ua Lugair, the poet, spoke the judgments[1] of the men of Erin according to the law of nature and to the law of the prophets, for prophecy had governed according to the law of nature, the judicature of the island of Erin, and the poets, who had the gift of prophets, foretold that the bright language of benediction would come, i.e. the law of the letter.

Spoke, i.e. Dubhthach Mac Ua Lughair, the poet, spoke the judgments to the men of Erin according to the directness *of nature*. The law of nature, i.e. of the Brehons, Morann, and Fithal, etc. The law of the prophets, i.e. of the *Irish* poets, i.e. the rules of the prophecy which the prophets had of old, or of their own prophecy. Prophecy, i.e. for the prophecy of the prophets governed the rules of nature for the Brehons of this island of Erin, and for the poets. The law of nature, i.e. at the time of the law of nature. Foretold, i.e. the prophets had then predicted the true language that was to be in the lection. The law of the letter, i.e. this is the rule of the Gospel.

There are many things that come into the law of nature which do not come into the written law. Dubhthach showed these to Patrick; what did not disagree with the word of God in the written law, and with the consciences of the believers, was re-

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heclais ocus filida. Ro bo coir racht aicnid uile acht cretem ocus a coir, ocus comuaim necalsa fri tuaith, ocus dliged cechtar da lina ua raile ocus ina raile; ar ata dliged tuaithe i neclais ocus dliged necalsa i tuaith.

Ata mara .i. ata mor do reir diriataid in aicniḋ, ocus ro siaċt do reir diriataid in aicniḋ. Ar nad rocht racht litre .i. ocus noco riaċt do reir diriataiḋ na litre, uair lia cearta canoine na canoin, ocus lia aicned ina udaras. Do airfen .i. do airben dubtaċ breiṫemnas aicniḋ a fiaḋnaisi patraic, in ni na tainic anaiġiḋ breiṫre de do diriataid in aicniḋ ro bui a ndiriataid litre, uair nocor cuiret aċt forbann reachta ass. Fri cuibse .i. do reir cubais na cristaide. Na creisen .i. na clerech. A nord mbreṫeman .i. nuidfiadnaisi. Ro bo coir .i. ro bo ċoir diriataid in aicnid uile. Acht cretem .i. do dia .i. ro creititis in nathair ocus in spirat, ocus noco creititis in mac. A coir .i. a comallad .i. in creitmeisen. Comuaim .i. coemuaim na ecalsa ris in tuaiṫ .i. uair noco roibe fognam reime sin don eclais. Dliged cechtar dalina .i. dliged cechtar de in da nadimat sin o ceile im in .uii. a do rarngaired do dia i talmain .i. cach tuath co rig caċ rig co na tuaith do cum necalsa 7rl .i. bathas ocus comna o eclais, dechmad ocus primite o tuaith. Ina raile .i. ina ceile .i. isse seo in araile .i. procept, ocus oifrend, ocus imand nanma in eclais tall, ocus trian dibaid ocus cendaithe i tuaith imorro di imuich. Ar ata dliged tuaithe i neclais .i. uair ita in ni dliges in eclais do tabairt don tuaith, in tadnacul do denam inte, ocus bathais ocus comna. Dliged necalsa i tuaith .i. in ni dliges in eclais dagbail on tuaith, dechmada ocus primite ocus trian dibaid.

Dliged tuaithe i neclais imbi ina coir cuindligiud; cuingid urtechta o eclais .i. baithes ocus comna, ocus umaind anma, ocus oiffrend o cach eclais do cach iar na creitme coir, co nairneis breithre de do cach inda tuaise, ocus noda comallathar; cach nord iar na cirt, co nimoichid a nubairt, a ndechmad, a primite, ocus a primgeine, ocus a nudacht, a nimna, co rabat

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[1] *Every order.*—C. 833, adds, .i. ord neclasa, i.e. order of the church.

tained in the Brehon code by the church and the poets. All the law of nature was just, except the faith and its obligations, and the harmony of the church and the people, and the right of either party from the other and in the other; for the people have a right in the church, and the church in the people.

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There are many things, i.e. there is much according to the rule of *the law of* nature, and which comes in also according to *the law of* nature. Which do not come into the written law, i.e. *other things* which do not come in according to the rule of the letter, for the questions of the canon are more numerous than the canon itself, and nature is more than authority. Showed, i.e. Dubhthach exhibited the judicature of nature before Patrick; what did not come against (*was not opposed to*) the word of God in the rule of nature was in the rule of the letter, for the over-severity of law only was rejected from it. With the consciences, i.e. according to the conscience of the Christians. The believers, i.e. of the clergy. The Brehon code, i.e. of the New Testament. Was just, i.e. all the rule of nature was correct. Except the faith, i.e. *the belief* in God, i.e. they believed in the Father and in the Spirit, but they did not believe in the Son. Obligations, i.e. the requirements, i.e. of that faith. Harmony, i.e. the agreement of the church with the people, i.e. because there was no service previously rendered to the church. *And* the right of either party, i.e. either of the two parties is entitled to receive from the other the seven things which were promised to God on earth, i.e. every people with its king every king with his people to the church, etc., i.e. baptism and communion *are due* from the church, and tithes and first fruits from the people. In each other, i.e. in one another, i.e. this is what 'the each other' means, i.e. preaching, and offering, and hymn of soul in the church within, and one-third of legacy and 'cendaithe'-goods in the people is due to it outside. For the people have a right in the church, i.e. for there is a thing which the church is bound to give to the people, i.e. the burial to be made in it, and baptism and communion. And the church has a right in the people, i.e. what the church is entitled to receive from the people is, tithes and first-fruits, and one-third of *every* legacy.

The right of the people as against[a] the church in which they are in proper law; they (*the people*) demand *their* right from the church, i.e. baptism, and communion, and requiem of soul, and offering *are due* from every church to every person after his proper belief, with the recital of the word of God to all who listen to it and keep it; every order[1] *is to abide* in its proper position, that their gifts, their tithes, their first fruits, their firstlings, their bequests, and their grants

[a] *Ir.* in.

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don eclais iar netla uird, co fortacht cach atail ma fonois anetail na cocra cert.

Dliged .i. isse seo in ni dlegait in tuaṫ don neclais. Imbi ina coir .i. o beit ina caendliged do reir ċoir. Cuingid urtechta .i. cuingidir in tuasaldligedsa ar a neclais. Do cach iar na creitme coir .i. do caċ ae dib iar na creidem do reir ċoir. Co nairneis breithre de .i. co nuasal indisin breithre dé (.i. procept) don caċ bis a nurtuassa ria. Inda tuaise .i. in breithir. Noda comallathar .i. comailles iartain hi. Cach nord iar na cirt .i. cach ina dliged .i. is in abdaine. Co nimoichid .i. cona emfuaitred ar demon in ḷuċt tuc a nudbarta doib, .i. co nimditen a nudbart acaib tre na nairnaigde. A ndechmad .i. co cinded. A primite .i. tosach gabala caċ nuatoraiḋ. A primgeine .i. caċ cét laeġ ocus caċ cét uan. A nudacht .i. fri bas. A nimna .i. a netarslainte. Co rabat don eclais .i. co rabat sin don eclais iar nordugad a glaine. Iar netla uird .i. fil iar nurd etole. Co fortacht cach atail .i. co foiriṫin caċ glain, cuna ra foirgea in tinglan he. Na cocra cert .i. neċ na ciallrunaigenn .i. na geibend dliged, .i. nad caeruinigend, no nad ċocertann cert.

Cach nemed a riar; cach chind a cuindrech for a memru; marmoigid eclais endce, airitiu cach meic do forcital, cach manaig dia coir aithirge, co foltaib coiraib cach dia creisine cirt.

Cach nemed .i. dón eclais for a manċu, .i. issed is leis in nemed in riar dliges do tabairt do. Cach chind .i. issed is leis in cenn caendirgud a memor don claine for atait. Marmoigid .i. is mor mogud don eclais oige do biṫ indti. Airitiu .i. don eclais. Co foltaib coiraib .i. co na folad coir lais innonn, no is do oeclais .i. cos na foltaib a ta do reir ċoir, no co tarta caċ a folta coire don eclais bes i ndligud a cristaideachta.

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[1] *Pure person.*—C. 833, has "If an impure, immoral, unjust person assail a pure holy person, the country should respond to him and check him."

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may be legal, and may be *given* to the church according to the purity of the order, with relief of each pure person if an impure person who does not observe justice has assailed him.

The right, i.e. this is what the people are entitled to from the church. In which they are in proper law, i.e. when they are in proper law according to justice. They demand *their* right, i.e. they seek this noble right from their church. To every person after his proper belief, i.e. to every one of them (*the laity*) after his belief in a proper manner. With the recital of the word of God, i.e. with the noble recitation of the word of God, i.e. preaching to every one who is a listener to it. Who listen to it, i.e. the word. Who keep it, i.e. who keep it afterwards. Every order *is to abide* in its proper state, i.e. each in his own right i.e. in the abbacy. May be legal, i.e. that the people who gave them offerings may not oppose them out of contempt, i.e. that their gifts may be secured to them by their prayers. Their tithes, i.e. with definiteness. First fruits, i.e. the first of the gathering of each new fruit. Their firstlings, i.e. every first calf, and every first lamb. Their bequests, i.e. at the point of death. Their grants, i.e. for the health *of the soul.* That they may be *given* to the church, i.e. that these may be *allowed* to the church according to the order of its purity. According to the purity of the order, i.e. which is according to the order of purity. With relief of each pure person, i.e. with relief of each pure person,[1] so that the impure may not injure him. Who does not observe justice, i.e. one who does not conclude justly, i.e. who does not submit to law, i.e. who does not meditate fairly, or who does not adjust fairly.

Every dignitary *is to have* his demand; every head to direct its members; purity benefits the church, *as regards* the receiving every son for instruction, every monk to his proper penance, with the proper payments of all to their proper church.

Every dignitary *is to have his demand*, i.e. *as* to the church upon her monks, i.e. the dignitary is to have the tribute which is due to him. Every head, i.e. it behoves the head to direct the members from the error in which they are. Benefits, i.e. it secures great obedience to the church to have purity in her. Receiving, i.e. by the church. With the proper payments, i.e. having his proper wealth with him on his going in, or to a church, i.e. with the dues which are according to justice, or that all should give its proper dues to the church in whose Christian law they are *placed.*

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Cach fine, cach manche, cach andoit, iar nurdliged; dliged cach deoradas, comloigthe cach etal iar nanetal; cach imtoga la comtoil comairle; cach riagail iar comairle, co netla co cosmailius; cach coimse a cuindrech, cach coimded a cumtus, cach moga a mam. Cach manche iar reir, cach riar iar cubus, cach cubus cotnae oige; cach airitiu iar coir, cach miad ina mamu, cach memur ina mamaib coirib co ngaire, cach gaire ina cirt.

Cach fine .i. grin Cach manche .i. fine manach. Cach andoit .i. fine erlama. Iar nurdliged .i. iar mbeiṫ doib ina nuasal dliged. Dligeḋ cach deoradas .i. amail do roichet airchindeċt iar ndudchus .i. deoraḋa in a lucc choir .i. isin oċtmad lucc. Comloigthe cach etal .i. comarléctar in tetol risin anetul isin eclais. Cach imtoga .i. caċ aen togait corab a comairle lochta na eclaisi togthair he. Cach riagail .i. caċ riagail sruithenda im aen airbeir biṫ o noin do noin corab iar na comairle re cenn athċomairc bes accu hi. Co netla .i. a toil de bít .i. na graid necalsa. Co cosmailius .i. in bid ocus in etaig do berar a coitcenn ecalsi .i. fodlaid do na gradib cutruma. Cach coimse .i. is la caċ naen dia tabair comus uird, no comdirgod in uird sin .i. is lais in secnap cuindrech na memor da reir. Cach coimded .i. is lais in coimdid .i. lais in cenn, lais in apaid a comus air iti bis a secnapoti re laim. Cach moga a mam .i. is ed is leis in mogaid in moamugad no in greim daire dlegar de do denam. Cach manche .i. do reir in apad. Cach riar .i. corab riar coir hi, ocus narab imarcraid. Cotnae oige .i. cona comet a nglaine. Cach airitiu .i. cach airċindcheċt iar ndutchus do reir ċoir. Cach miad ina mamu .i. caċ graḋ, .i. in caċ airitnigter is in aircinnecht corub do reir, ċoir do berṫar indti he isin lucc a roich do; no in ti is ċoir indti corab e dech indti. Co ngaire .i. don ċind. Cach gaire ina cirt .i. corub do reir ċind athcomairc do neither hi .i. na tartar airan fair.

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[1] *Every receiving.* 'Aircindeċt' is written in the MS. by another hand over the word in the text, as a correction probably.

[2] *Dignified person.*—C. 833 has: "He who is in power is bound to direct and check the person who his under his law and jurisdiction."

[3] '*Erenach'-state.*—The word in the gloss of the MS. is 'airecht,' but over it at the letter r another hand has put 'cin,' thus making the word as given in the Irish.

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Let every tribe, every monastic tribe, every 'andoit' church *tribe, be* in their proper right; *let* the stranger tribe *have* its right, let every pure person be estimated by *comparison with* the impure; *let* every selection *be* by the consent of the council; every rule according to the council, with purity, with similarity; *let* every dignified person *have* direction, every lord mutual good, *let* every slave *be* in obedience. *Let* every monastic tribe *be* in rule; every demand according to conscience, every conscience a receptacle of purity; *let* every receiving[1] *be* according to justice, every dignified person in his jurisdiction, every member in his proper obedience with maintenance, every maintenance in its right.

Every tribe, i.e. *the original owners* of the land. Every monastic tribe, i.e. tribe of monks. Every 'andoit'-church *tribe*, i.e. the tribe of the patron saint. In their proper right, i.e. after their being in their noble right. The stranger tribe its right, i.e. as they attain to the 'Erenach'-state by hereditary right, i.e. *let* the strange-settlers *succeed* in their proper place, i.e. in the eighth place. Let every pure person be estimated, i.e. let the pure be admonished by the *evil fate of the* impure in the church. Every selection, i.e. let every one whom they select be selected by the council of the people of the church. Every rule, i.e. every religious rule respecting one meal from evening to evening they should have after they have consulted with their head of counsel With purity, i.e. they be according to the will of God, i.e. of the grades of the church. With similarity, i.e. of the food and of the clothing which is given according to church usage, i.e. they are divided equally to the grades. Every dignified person,[2] i.e. this belongs to every one to whom power of order, or direction of the order is given, i.e. it is the duty of the vice-abbot to direct the members according to their rule. Every lord, i.e. it belongs to the lord, i.e. it belongs to the head, *i.e.* to the abbot to have power over the person who is in the vice-abbacy by his hand. *Let* every slave *be* in obedience, i.e. it behoves the slave to yield the obedience or submission to the bondage which is due of him. Every monastic-tribe, i.e. *be* according to the abbot. Every demand, i.e. that it be a proper demand, and not exorbitant. A receptacle of purity, i.e. that it be kept in purity. Every receiving, i.e. let every 'Erenachy' be according to hereditary right after a proper manner. Every dignified person in his jurisdiction, i.e. every grade, i.e. every one who is received into the 'Erenach'-state[3] should be received into it according to justice in the place which falls to him; or let the person who is entitled to be in it be placed in it. With maintenance, i.e. to the head. Every maintenance in its right, i.e. that it be done according to the head of counsel, i.e. that there be no defect upon it.

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Coir eclaisi o tuaith, dechmada, ocus primite, ocus primgene; dliged eclais dia memraib.

Coir eclaisi .i. isse seo ni dliges in eclais don tuaith do reir choir. Dechmada .i. co cindiud. Primite .i. tosach gabala caċ nuaṫoraid. Primgene .i. tuisech geine. Dliged eclais .i. dligid in eclais sain dia momorithnechaib.

Caite techta primgene? Cach primgeinit, .i. cach cet tuisdiu cacha lanaman daenda, ocus cach firmac arosloice broind a mathar iar cetmuintir coir, cona coidsenaib reir a nanmcarat, dech mo lesaidter eclais ocus anmanda; ocus caċ firmil dno olcena arosloice broind a mathar do cethraib bicaib [no mlichtaib]. Primite tra, tosach gabala cach nuatoraid cid bec cid mor, ocus cach cet laeg ocus cach cet uan do cuirichter is in bliadain.

Caite dechta primgene .i. caide dliged in tuisech geine. Cach primgeinit .i. caċ cet laeg. Cach cet tuisdiu .i. cach cet lelap beres bean ar tus. Cach firmac .i. cach mac fearda uile ima fuatuaslaicend in mathair a broind. Iar cetmuintir coir .i. ar na tucthar cland adaltrach na ban taide don eclais. Cona coidsenaib .i. ma berair amaires uirri. Reir a nanmcarat .i. do reir in ain leis in cartanach a anim. Dech mo lesaidter .i. is deg mo lesaiges in eclais im gabail necnairce, as dech lesaiges eclais tall im tech naiged ocus imcomairge amach .i. baithes ocus comna ocus imna nanma 7rl. Caċ firmil .i. caċ mil fearda don uile ċena ima fuatuaslaicend in mathair a broind. Do ceathraib bicaib, do cethraib glanaib .i. ro udbartha a recht. Primite tra .i. taisech geine ṫra. Tosach gabala .i. in miach, ocus toras maistertha, ocus cet bleogun na mbo. Cach nuatoraid .i. cach toraid nui. Cid bec .i. im lu. Cid mor .i. im cleithi.

O'D. 315. [Cach fearmac arosłaice broind a mathur.

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[1] *Or lactiferous.*—The words translated thus are enclosed in brackets in the Irish, and are an aliter reading interlined by a later hand.

The right of a church from the people *is*, tithes and first fruits and firstlings; these are due to a church from her members (*subjects*).

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The right of a church, i.e. this is the thing which the church is entitled to from the people according to justice. Tithes, i.e. with definition. First-fruits, i.e. the first gathering of each new produce. Firstlings, i.e. the first born animals. Are due to a church, i.e. the church is entitled to these things from its subjects.

What are the lawful firstlings? Every first-born, i.e. every first birth of every human couple, and every male child that opens the womb of his mother, being the first lawful wife, with confession according to their soul-friend, by which a church and souls are more improved; and also every male animal that opens the womb of its mother, of small or lactiferous[1] animals in general. First fruits are the first of the gathering of every new produce whether small or great, and every first calf and every first lamb which is brought forth in the year.

What are the lawful firstlings? i.e. what is the law of the first born? Every first-born, i.e. every first calf. Every first birth, i.e. every first child which a woman brings forth first. Every male child, i.e. each and every man child by whom the mother opens her womb. Being a lawful first wife, i.e. in order that the child of adulteresses or secret women may not be given to the church. With confession, i.e. if any suspicion be had of her. According to their soul-friend, i.e. according to him to whom the soul is dear. By which *a church and souls* are more improved, i.e. the church is most improved for singing requiems, which most improves the church within with respect to guest-house and protection outside, i.e. baptism and communion and hymns for souls. Every male animal, i.e. every male animal of every *kind* by which the mother opens her womb. Of small animals, i.e. of clean animals, i.e. which were offered in the law *of Moses*. First fruits, i.e. first birth. The first of the gathering, i.e. the sack *of corn*, and the mast-fruit, and the first milk of the cows. Of every new produce, i.e. of every new fruit. Whether small, i.e. as to small quantity. Or great, i.e. as to large quantity.

Every male child which opens the womb of his mother.

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.i. masa rucad ann ar dus, geibiḋ grim primgeine he, ocus nocha nfuil ni uad mad ega, no co rabat deċ meic ann. Madsa ingen rucaḋ ar dus, geibiḋ grim cet tuistiu hi. Ocus an cet mac berair do, ina dega, do tabuirt i primginit beir ecluis; nocha nfuil ní uaiḋ ina deguid no go roib deċ míc and; ocus o beit, crannchur do cur itir na seċt macuib is ferr dib, ocus in triar is taire do lecon sech laim con crannchur; ocus is aire leicter ar daigin na tecma diġa don ecluis. Ocus in mac berur rainic in dec, no i primgine don ecluis; is cutrumu beirir do dibuiġ a athar iar neguib a athur ocus ġaċ mac dligteċ ata ag mathair, ocus a bet for a ferunn fein amuich, ocus fognum saermanuig uada don eacluis, ocus denaḋ in eacluis leginn do, uair mo do dibaiḋ deoda beirius ina do dibaiḋ indeoda.

Cach fermil dono ar ceana.

.i. masa bo beag rugustar laeġ ar dus is in tiġ, gebid grem cet laíġ is in tiġ é; ocus laeġ firinn on boin sin, ocus laiġ firinna na mbo mbeag eile, ocus gach dechmuid laeġ etir firinn ocus boininn na mbo mor.

Masa bo mor rugustur a laeġ isin tiġ, gebiḋ greim cet laiġ uile cid firinn cid buinind; ocus laiġ firinna na mbo mbec uile; ocus caċ deachmuiḋ laeġ do laeġuib boininna, ocus gaċa deċmuid laeġ etir firinn ocus baininn na mbo mor.]

Cach dechmad tuistiu iar suidiu, co cosrand itir cach da .uii. a coit echta a fintiu dia forngaire eclais, ocus cach dechmad cland do clandaib talmanda, ocus cethraib in cach bliadain; ocus cach seċtmad la don bliadain do fognam do Dia, fri cach tacarta bes docho araile iar naidilgne uird.

Cac dechmad .i. iar tabairt na primit ass ar tus .i. deċ meic dia mbet isin geilfine do tinol, ocus na tri meic ba tairiu do cor as, ocus crandcur itir na seċt macaib as ferr, dus cia dib do fot don

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That is, if it be he (*the son*) that is born first, he is held for the first-born, but nothing is required from him (*the father*), if he (*the son*) dies, until there shall be ten sons *born afterwards.* If it be a daughter that is born first, she is held as the first-born. And the first son who is born to him (*the father*) after her is to be given as the first-born to the church; there is nothing due from him (*the father*) afterwards until he has ten sons; and when he has, lots are to be cast between the seven best sons of them, and the three worst are to be set aside (*exempted*) from the lot-casting; and the reason they are set aside is in order that the worst may not fall to the church. And the son who is selected, has become the tenth, or as the first-born to the church; he obtains as much of the legacy of his father after the death of his father as every lawful son which the mother has, and he is to be on his own land outside, and he shall render the service of a 'saer'-stock tenant to the church, and let the church teach him learning, for he shall obtain more of a divine legacy than of a legacy not divine.

Every male animal also in general.

That is, if it be a small cow that has brought forth a calf first in the house, it shall be held as the first calf in the house; and a male calf from that cow, and male calves of the other small cows, and very tenth calf both male and female of the great cows.

If it be a great cow that has brought forth its calf in the house, it shall be held as the first calf whether male or female; and the male calves of all the small cows; and every tenth calf of the female calves, and every tenth calf whether male or female of the great cows.

Every tenth birth afterwards, with a lot between every two sevens, *with* his lawful share of his family inheritance to the claim of the church, and every tenth plant of the plants of the earth, and of cattle every year; and every seventh day of the year to the service of God, with every choice taken more than another after the desired order.

Every tenth, i.e. after taking the first fruit from it first, i.e. to collect ten sons, should they be in the 'geilfine'-relationship, and to set aside the three worst sons, and *to cast* lots between the seven best sons, to see which of them would be

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eclais. Tuistiu .i. do dainib ocus cethraib. Co cocrand .i. iar cor in treiḋe is tairi dib ass, .i. itir na seċt lenmaib is ferr dib ar na tecma diġu don eclais. Coit echta .i. co na cuit feranid leis anund do cum na heclaisi. Do clandaib .i. dechmad in arba. Cethraib .i. dechmad na cethra. Cach sechtmad la don bliadain .i. domnach do beir i nairim .i. o daermanchaib in urradus, ocus cethraċa aidċi o saermanċaib. Ma iar cain, is trian gnima caich i nerruch ocus i fogmur don eclais, ocus caċ seċtmad la isin gemriud ocus is samruḋ; o daermanċaib indso; ocus caega la isin bliaḋain o na saermanchaib. Fri cach tacarta .i. fri cach ni bes togaide lais araile dia foiriṫin. Iar naidilgne uird .i. iar nordugaḋ a dliged aidalic, .i. bes ailciu arailiu lais in neclais do dénam di, .i. secipe dord aidilgnides.

Cach nadnacal co na urtechta imnai do eclais caich iar na miad.

Cach nadnacal .i. caċ imna uasal dliġtech do cach fo uaislidetaid don uaim uais danad aḋa in tidnucul no in tadnacul.

Cair;—caite techta cach adnacail o thuaith do cach grad iar na miad do eclais? Imna ocairech tri seoit no a log; imna boairech cuic seoit no a log; imna airech desa deċ seoit no a log; imna airech ard cuic seoit dec no a log; imna airech tuisi fiche set no a log; imna airech forgill tricha seoit no a log; imna rig secht cumala no a log; acht nis cosmailsi comarba; comarba renas nad cren, comarba nad ren na cren, comarba crenas nad ren.

Cair .i. comaircim caide inni dliges o cach grad isin tuaith fo uaislidetaid don uaim uais danad ada in tidnacul no in tadnacul. Imna ocairech .i. log nenech caċ graid dib so isse a imna i nertslaine do tir no do setaib ċena. Tri seoit .i. tri samaisce. Deċ seoit .i. oċt samaisce ocus dí ba. Cuic seoit dec .i. da samaisc dec ocus teora ba. Fiche set .i. se samaisce dec ocus ceiṫeora ba. Tricha seoit .i. cetheora samaisci fichet ocus se ba. Acht nis cosmailsi .i. uair noco cosmail na cometaide orba. Comarba

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due to the church. Birth, i.e. of persons and cattle. With a lot, i.e. after setting aside the three inferior *sons*, i.e. among the seven best children, that the worst may not fall to the lot of church. *With his* lawful share, i.e. with his share of the land *which goes* with him to the church. Of the plants, i.e. the tenth of the corn. Of cattle, i.e. the tenth of cattle. *And* every seventh day in the year, i.e. he puts Sunday in the reckoning, i.e. from 'daer'-stock tenants of church lands, in 'urradhus'-law, and forty nights from 'saer'-stock tenants of church lands. If according to 'cain'-law, it is one-third of the work of all in the spring and in the harvest-time *that is due* to the church, and every seventh day in the winter and in the summer; this is from 'daer'-stock tenants of church lands; and fifty days in the year from 'saer'-stock tenants of church lands. With every choice, i.e. with every thing else which she (*the church*) chooses to relieve her. After the desired order, i.e. after ordering her desired law, i.e. whatever else is pleasing to the church to be done for her, i.e. whatever of order she desires.

Every grant with its noble rights *should be made* to the church by each according to his dignity.

Every grant, i.e. every noble lawful bequest *should be made* by every one according to his dignity to *the church of* noble harmony to which the grant or the bequest is due.

Question:—What is the law of each gift from each grade of the laity according to their dignity, to a church? The gift of an 'ogaire'-chief, *is* three 'seds' or their value; the gift of a 'boaire'-chief, five 'seds' or their value; the gift of an 'aire-desa'-chief, ten 'seds' or their value; the gift of an 'aire-ard'-chief, fifteen 'seds' or their value; the gift of an 'aire-tuisi'-chief, twenty 'seds' or their value; the gift of an 'aire-forgill'-chief, thirty 'seds' or their value; the gift of a king seven 'cumhals' or their value; but the 'comharbas' are not alike; the 'comharba' who sells and buys not, the 'comharba' who neither sells nor buys, the 'comharba' who buys and sells not.

Question, i.e. I ask what is due from each grade in the people, according to its nobility, to the noble harmony (*the church*) to whom the gift or the bequest is due? The gift of an 'ogaire'-chief, i.e. the honor-price of each grade of these is *equal to* his gift for the perfect health *of his soul*, in land or in 'seds' generally. Three 'seds,' i.e. three 'samhaisc'-heifers. Ten 'seds,' i.e. eight 'samhaisc'-heifers and two cows. Fifteen 'seds,' i.e. twelve 'samhaisc'-heifers and three cows. Twenty 'seds,' i.e. sixteen 'samhaisc'-heifers and four cows. Thirty cows, i.e. twenty-four 'samhaisc'-heifers and six cows. Are not alike, i.e. for

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renas nad cren .i. comarba recas ni amach ocus na cennaigend ni muich. Comarba nad ren na cren .i. comarba na recand ni imach ocus na cenḋaigenn ni muich. Comarba crenas nad ren .i. comarba cennaiges ni imuich, ocus na recand ni imach, in comarba do daformaig.

In ti renas nad cren ni, [no is], meisech siḋi imna acht muna ria nach mar.

In ti renas .i. ni imach. Nad cren .i. ni imuich. Ni, [no is,] meisech sidi .i. noco [no is] cuimgech eiseic ní do timna. Muna ria nach mar .i. aċt maine reca naċ mor. Bec ṫuc amach a mbecdeitbeirius cen iarfaigid, ocus do beir tuilliud ris coroib trian cotach fine and ina mardeithbeirius.

In ti nad ren nad cren is dosuidiu conaim mes imna, caich fo miad. In ti crenas nad ren, is meisech sidi imna amail ron cara dia tarcud fadesin, acht foracba techta fine i noige, no cuit tire dara eise a nimuilledaib fine.

In ti nad ren .i. in ti na racand ni imach, ocus na cennaigenn ni imuich. Is dosuidiu .i. is don niadahisein ro cainamsiged no ro cotamsiged ni do timna fo uaislidetaid. Fo miad .i. trian no leath, uair issed sain do beir comarba conae seilb dserann a fine imach. In ti crenas .i. in ti cennaiges ni imuich, ocus na recand ni imach, in comarba da daformaiġ. Is meisech sidi .i. is cuimgech eiside ni do timna aṁail is carṫanach leis dia tarcud buden. Acht foracba .i. aċt co facba a ndliged ac in fine co hog co comslan .i. in trian. No cuit tire .i. a cutruma dfearann aile. A nimuilledaib fine .i. in bail is eim don fine foileṫad air.

In ti renas bec indeithberus fuilled fris in ni ro reac co raib trian cota fine and, ocus fuilled dia setaib co raib techta nimna and.

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[1] *Is capable.*—The words in brackets, in the Irish text, are an aliter interlined reading in the MS.

[2] *Too much out.*—The meaning seems to be, he who diminishes the tribe stock cannot make gifts, or according to others, he can make gifts if he has not diminished the tribe stock too much.

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the heirs to land are not alike. **The 'comharba' who sells and buys not,** i.e. the 'comharba' who sells a thing out and does not buy a thing outside. **The 'comharba' who neither sells nor buys,** i.e. the 'comharba' who does not sell a thing out, and who does not buy a thing outside. **The 'comharba' who buys and does not sell,** i.e. the 'comharba' who buys a thing outside, and who does not sell a thing out, *i.e.* the 'comharba' who increases *the amount of the stock of the tribe or community.*

He who sells *out* and does not buy *in* is not capable, *or according to others,* is capable,[1] of *making* grants, provided he has not sold *out* too much.[2]

He who sells, i.e. a thing out. **Does not buy,** i.e. a thing outside. **He is not, or is capable,** i.e. he is not, or he is able to make a grant. **Provided he has not sold too much,** i.e. unless he has sold something too great. He gave little out in little necessity without asking, and he gives addition to it until it amounts to one-third of the tribe-share in great necessity.

He who has not sold or bought is allowed (*competent*) to make grants, each (*person*) according to his dignity. He who buys and has not sold, is capable of *making* grants as he likes out of his own acquired wealth, but *only if* he leaves the property of the tribe intact, or a share of *other* land after him for the augmentations of the tribe.

He who has not sold, i.e. the person who does not sell a thing out, and who does not buy a thing outside. **He is allowed,** i.e. it is estimated or considered that it is lawful for this particular person to make a grant according to his nobility. **According to his dignity,** i.e. one-third or one-half, for this is what a 'comharba' with possession gives of the land of his tribe, out. **He who buys,** i.e. he who buys a thing outside, and does not sell a thing out; *i.e.* the 'comharba' who increases *the property.* **He is capable,** i.e. he is able to make a grant as is pleasing to him out of his own acquisition. **But he leaves,** i.e. but *so* that he leaves their right to the tribe entirely and completely,[3] i.e. the one-third. **Or a share of land,** i.e. an equal quantity of other land. **For the augmentations of the tribe,** i.e. where the tribe might expect increase upon it.

The person who sells a small quantity without necessity shall add to the thing which he sold, until it amount to one-third of the tribe share, and give additional 'seds' until it amounts to a lawful grant.

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[3] *Completely.*—C. 833, reads: "Techta fine noige .i. a cuit tíre amail fondraicc ar a chinn iar na facbail dia athair do, mad orbe, no a cutruma tar eisi .i. an cobéis do targud a laime." "The family property in full, i.e. his share of land awaits him after having been left him by his father, if an inheritance, or its equivalent besides, i.e. its value of the gains of his hand."

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In ti nad racand ocus na luaigend do beir co trian cota fine fria bec deithberius, ocus leth fri mardeithbirius.

In comorba tairces is e in cutruma sa do beir, cenmota in ni do fairce fein, ocus do beirsium on dias tarcad fein don eclais cid co trian no a leth no da trian.

In comarba ranas ni a nindeithberes, cid bec, ni comarlecter do ni do brondud iarsain. Comarba do dagaib a nindeithbirius ni meireċ imna. Mad fri deithbirius imorru, do beir log a enech do triun fine do eclais. Comarba conae ocus comarba do formaiġ loġ a neneċ do triun fine o cechtar de dia eclais. Mad mo in log nenech na trian fine, fuilled dia setaib.

Comarba do dagaib fri bec deithbirius .i. laċt gemriḋ, ce do fi mardeithbirius .i. lacht samraiḋ, ni bronnsa aċt trian triun na fine; iseaḋ on do beir comarba conae ocus comarba do daformaig a mbec deithbirius, leth triun na fine imorro fri mar deithbirius.

O'D. 317. [Ataít tri comurba la feine nis comsaer a cuir.

.i. lan loġ einiuċ a nertslainti so sis.

Is ann do beruit na ranna do beruit .i. do fearunn a athur .i. i coruib ocus i cunnurthuib, ocus immna a nertslainte do eacluis, ocus a celsine do flaiṫ; ar is cetfuid cuma ar trian an fine don ferund amuil ba marb é do beṫ in comruinn sin, iar mben cota flatha ocus ecalsa as ar tus. Ocus iseḋ is bec deitbirius ann, ruc a les ocus comicsa a seachna; ised is mairdetbirius ann, ruc a les ocus nocha cumuing a seachna.

Ocus iseḋ i tabuir duine a fearunn aċt a ceiṫre hearnaile nama, ina chintuib detbire, ocus do sil a cholla, ocus a niumna nertslainti da ecluis, ocus aru gaire, ocus cuit fine do beruit amach ann sin, ocus nocha tabruit cuit flatha no ecluisi.

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He who neither sells nor purchases may give as far as the third of tribe share, in case of[a] little necessity, and the one-half in case of[a] great necessity.

The 'comharba' who acquires (*adds to his inheritance*) may give this amount (*the same as the last-mentioned*), besides what he has acquired himself, and he may give out of his own acquisition to the church as far as one-third or one-half or two-thirds.

The 'comharba' who sells a thing, though *ever so* small, without necessity, is not recommended to bestow any thing afterwards. The 'comharba' who takes without necessity *from the common stock for his own purposes* cannot make a grant. If it be with necessity, however, he may give the value of his honor-price of the tribe-third to a church. The 'comharba' who keeps and the 'comharba' who increases, may each of them give *the value of* his honor-price of the tribe-third to his church. If the honor-price be greater than the tribe-third, he shall add *to it* from his 'seds.'

The 'comharba' who takes with little necessity, i.e. winter milk, or with great necessity, i.e. summer milk, shall not bestow but the third of the third of the tribe; this is what the 'comharba' who keeps, and the 'comharba' who increases, give with little necessity, but they may give one-half the tribe-third in great necessity.

There are three 'comharbas' with the Feini whose contracts are not equally free.

That is, what follows down here relates to honor-price for the perfect health *of the soul.*

The following are the cases in which they give these portions, i.e. of the father's land, i.e. in contracts and covenants, in gifts for the perfect health *of the soul* to a church, and as tenancy to a *lay* chief; for it is the opinion *of some* that this division is made of the tribe-third of the land as if he (*the tribeman*) were dead, the share of the chief and of the church being first subtracted from it. And little necessity in this case is, that he required it and he could avoid it; great necessity is, that he requires it and could not avoid it.

And a man may give his land in four cases only, *viz.*, for his lawful liabilities, and to the issue of his body, and as grants for the perfect health *of his soul* to his church, and for maintaining him *in old age*, and it is the tribe-share they give out thus, and they do not give the share of a chief or of a church.

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[a] Ir. *with.*

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Mara orbu cruib no sliasta di he, do bera in ben a da trian in gach ni a tibre a sguiṫi, ocus coimgi o fine ar in trian eile, ocus nocha tabuir coimgi ar in duine fein ima sguiṫi do gres, aċt tegar fo coruib da ndearna dochur dib.

Inunn in comarba conae ocus an comarba do formaiġ im fearunn an athur ocus a seanathur, aċt im fearunn do gabail amuiġ atá in deithbeir.

In comorba do dagaib beg do beir sin amach, ma bec detbiriur cin a fiarfuide; ocus do beir fuilleḋ resin a mairdetbiriur, co roib trian ċota fine and, iar na fiarfuige.

In comurba do dogaib bec, do beir ina indetbiriur, cin a fiarfuige, ocus taithmigthur, ocus nocha tobuir ni a mbec detbiriur ina mairdetbiriur as a haiṫle.]

Is techta cia imana boaire cid log secht cumal do tarcud a cuirp faderin, acht forfacba da trian a tarcuda la fine collna. Mad orba dosli is leth, mad orba asaid; nad bied on do nairce, is trian; mad fer dana, da trian dia coraib.

Is techta .i. is dligteċ ceimnaid in boaire co log seċt cumal do tarcud a cuirp budein .i. ar fochraic tucad in ferand amuich and sin. Acht forfacba .i. aċt co facba da trian a targuḋa ac in fine o rinasastar a colunn. Tir tri seċt cumal ro taircestar amuich and; ocus tir seċt cumal dib ina cintaib deiṫbeire fein, ocus tir da seċt cumal dib ḟacbas ac in fine. Mad orba dosli .i. ma fearund tuilles no airiltniges ar foċraic is ann ata sain. Mad orba asaid .i. ocus a dualgus ḟuail no ṫuair friṫ in fearand annsaide, ocus, do bera a leṫ in caċ ni a tibra a scuithe, ocus comgi o fine ar in leṫ aile. Nad bied on do nairce .i. muna bead on tairges hė a dualgus uail no

As to a woman, if it be her 'cruib'-land or 'sliasta'-land, she may give two-thirds of it for everything for which she would give her movable property, and the tribe has power over the other third, but it never gives power over the person itself respecting her movables, but her contract shall be impugned, if she makes a bad bargain respecting them.

The 'comharba' who keeps, and the 'comharba' who increases, are similar with respect to the land of their fathers and grandfathers, but the difference *between them* consists in their taking land outside.

The 'comharba' who has acquired a little may give out that *little* without asking *permission*, if it be *a case of* little necessity; and he may give more along with it in *a case of* great necessity, until it amounts to one-third of tribe-share, after asking *leave.*

The 'comharba' who has acquired little, *and* gives it without necessity, without asking *permission*, has it (*his gift*) set aside, and he shall not give anything in little necessity or in great necessity afterwards.

It is lawful for the 'boaire'-chief to make a bequest, to the value of seven 'cumhals,' out of the acquisition of his own hand,[a] but *only if* he leaves two-thirds of his acquired property to the original tribe.[a] If it be land that acquires it, it is one-half, if it be land that grows it; if it be not he that acquires it, it is one-third; if it be a professional man, it is two-thirds of his contracts.

[a] Ir. *body.*

[a] Ir. *Flesh-Tribe.*

It is lawful, i.e. the 'boaire'-chief proceeds lawfully to the amount of seven 'cumhals' of the acquisition of his own body (*exertion*), i.e. it was for hire the land was given out then. But that he leaves, i.e. but that he leaves two-thirds of his acquired property to the tribe from whom his body has descended. Land of three-seven 'cumhals' *value* he has acquired outside in this case; one land seven 'cumhals' *value* of them *he gives* for his own necessary liabilities, and a land of two-seven 'cumhals' *value* he leaves with the tribe. If it be land that acquires it, i.e. if it be land that deserves or merits it for reward, it is then this is so. If it be the land that grows it, i.e. and in right of urine or manure he obtains the land in this case, and he shall give the half of it in *the case of* every thing for which he gives his movable goods, and the tribe has a claim as against the other half. If it be not he that acquires it, i.e. unless it be that he acquires it in right of urine or manure *which he gives* but one-third; this

thuair, aċt trian; sceil aile eiseic ocus a fochraic frith in ferand andsain. Is trian .i. is trian bunaid la fine. Mad fer dana .i. ma fearand fuair ar a dan he .i. mad etail brethemnasa no filideċta no naċ dana olcena is meise da trian declais de. Da trian dia coraib .i. in cach ní i tibrea a cor ocus a cundrad.

.i. ferann sain fuair ar a ḋan, no ar a leiginn, no ar a filidecht; do bera da trian in cach ni i tibera a cor ocus a cunnrad da scuithib, ocus comge on fine ar in trian aile; no dno is suithe iumais greine na boinne uil aici ann; ocus damad he dan dliged na fine, noco tibre he aċt amail do bera fearand dligtech na fine.

In ti coimetas a tir cen caithem timċell a fine, is thualing trian cota fine do caithem fri bec deithbirius, ocus a leth fri mardeithbirius. Mad in ti digbas ni dia tir fri bec deithbirius timċell a fine, is tuilled fris in ni ro caich co raib trian cota fine ann fri mardeithbir.

In ti digbas bec de i nindeithbir, ce do necma cin deithbir, ni tabair ni dia tir ind. Mad in ti do doformaig, is trian cota fine caiches fri bec deithbiri ocus an a dormaig, ocus da trian cota fine fri mardeithbir. No dono is log a bo ocus a ċapaill o caċ comarba dib a coitcenn, ocus trian cota fine fri nuna, ocus cuit fine uile do gill dib a bas. Ocus as se bec deithbir in slechta ro cennach bo ocus capaill, ocus asse a mardeiṫbir nuna.

Ni faccaib nech cis for a orba nach for a fine na fuiric fuirre. Mad mana imna, no seota gerta no gaire, no saine cron sain seirce, no imcutail lanamna; cach diċell nad bi diles acht mad doḟoltach in fine.

Ni faccaib nech cis .i. nocon facbaiṫi do neoch cis for a fearunn. For a fine .i. geilfine. Na fuiric fuirre .i. nar airced uirre

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[1] *To the tribe.* If the tribe be a professional one, they all have a claim to the emoluments. If only an individual is professional, he shall have all his professional earnings to himself.

is another case, it was for hire the land was obtained. It is one-third, i.e. the original third belongs to the tribe.[1] If he be a professional man, i.e. if it be land that he has obtained for (*by the exercise of*) his profession, i.e. if it be property acquired by judicature or poetry, or for any other profession whatsoever, he is capable of *giving* two-thirds of it to the church. Two-thirds of his contracts, i.e. in every thing in which he will give his contract and his covenant.

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That is, this is land which he obtains for his art, or for his learning, or for his poetry; he may give two-thirds for every thing for which he will give his contract and his covenant, of his movable goods, and the tribe has power over the other third; or else he has knowledge of the 'iumais'-nuts of the land of the Boyne; and if it was the lawful profession of the tribe, he shall not give *of* it (*the emolument of that profession*) but just as he would give of the lawful land of the tribe.

He who keeps his land, without spending it upon his tribe, can spend the third of the tribe-share in case of[a] little necessity, and one-half in case of[a] great necessity. If anyone lessens his land, in case of little necessity upon his tribe, he shall add to what he has spent until it amount to one-third of the tribe-share[2] in *case of* great necessity.

[a] Ir. *with.*

As to one who lessens a little of it (*his land*) without necessity, whatever happens without necessity, he shall not give any portion of his land for it. If it be the person who has increased, he may spend the one-third of tribe-share and the increase in case of little necessity, and two-thirds of tribe-share with great necessity. Or else it is the price of his cow and of his horse from every 'comharba' of them in general, and the third of tribe-share at a dearth, and the whole of tribe-share from them as a pledge at *the point of* death. The little necessity of this case is the purchase of a cow and horse, and the great necessity is a dearth.

No person should leave a rent upon his land or upon his tribe which he did not find upon it. If he wishes to leave a gift or 'seds' for future maintenance, or '*seds*' *of* maintenance, or peculiar possession of peculiar affection, or marriage dowry; a concealment is not forfeited unless the tribe be unqualified.

No person should leave a rent, i.e. rent is not to be left by anyone upon his land. Upon his tribe, i.e. his 'geilfine'-tribe. Which he did not find

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[2] *Tribe-share*, 'cuit-fine,' means a tribe-man's share of the land.

CUSTOMARY LAW. reime. Mad mana imna .i. mad ail leis ni do timna i nertlaine. Seota gerta .i. log ar denam na gaire .i. don dalta. Gaire .i. ar a gaire fein. No saine cron .i. sainiugad cruid don ti is sercach leis sech a ceile da claind. No imcutail lanamna .i. coibchi do mnaí. Cach dichell .i. na fine. Nad bi diles .i. on fine. Aċt mad doḟoltach .i. uair mad infoltach iat noco ticfat sae fris-seom. Doḟoltach .i. fri somaine.

Ni udbair nech seilb acht mad ni do ruaicle fadesin, acht mad a comcetfaig a fine, ocus foracba a cuit tire la fine a comdilse dar a eise.

Ni udbair .i. naicon udbairti do neoch fearann. Seilb .i. a ṫir fein. Acht mad ni do ruaicle .i. aċt ani deirbcennaiges budein. Acht mad a comcetfaig .i. aċt a cetfaid cumaide na fine. Foracba .i. ocus co ra facba a catruma ac in fine a cumad dilsi dar éis in fearaind tuc amach. A cuit .i. a ċutruma. A comdilse .i. tir a athar no a senathar.

Foceird a athair mac ingor a horba, ocus foceird a orba fri nech do gni a gaire, co raib log fir de; muna dena a mac a gaire acht mad athair anfoltach.

Foceird .i. ada cuirid in tathair in mac ingor as in fearand. Foceird a orba .i. ada cuirid a fearunn don ti do ni a gaire. Co raib log fir de .i. log in fir, seċt cumala ar cis nincis do mac faesama da infine, do fir echtarfine iar femed do fine a gaire; no is log saeṫair nama do fine. Muna dena a mac a gaire .i. mana derna a mac budein a gaire. Acht mad athair anfoltach .i. ata aċt lium and, aċt mad anfoltach in tathair, noco nindliged don mac cen co derna a gaire.

Mad fri heclais foceird nech a orba ar a gaire, as diles di co raib log fognama di and ber fiu a
O'D. 139. trian do ruaicle, [no ber fiu a leth;] ar is cuma

upon it, i.e. which was not claimed of it before. If he wishes to leave a gift, i.e. if he wishes to grant anything for the full health *of his soul.* 'Seds' for future maintenance, i.e. the price for performing the maintenance, i.e. to the foster son. Maintenance, i.e. for maintaining himself (*the foster father*). Or peculiar possession, i.e. for giving a different property to one of his children who is dearer to him than the rest. Or marriage dowry, i.e. a 'coibche'-marriage gift to a woman. A concealment, i.e. of the tribe. Is not forfeited, i.e. from the tribe. Unless *the tribe* be unqualified, i.e. for if they be disqualified they cannot impugn him. Unqualified, i.e. as to property.

No person should grant land except such as he has purchased himself, unless by the common consent of the tribe, and *that* he leaves his share of the land *to revert* to the common possession of the tribe after him.

No *person* should grant, i.e. land should not be granted by any one. Land, i.e. his own land. Except such as he has purchased, i.e. except that *part of it* which he himself has actually purchased. Unless by the common consent, i.e. but by the common consent of the tribe. *That* he leaves, i.e. and that he leaves an equivalent to the tribe, *and* that the land which he gave out may revert *to the tribe.* His share, i.e. its equivalent. To the common possession, i.e. the land of his father or of his grandfather.

The father may remove a son who does not maintain him from his land, and give his land to one who maintains him, until the value of a man is got out of it; unless his son maintains him not because the father is unqualified.

May remove, i.e. the father removes the son who does not maintain him out of the land. And gives his land, i.e. he gives his land to the person who maintains him. Until the value of a man is got out of it, i.e. the price of the man, seven 'cumhals' for rack-rent to an adopted son of his 'indfine'-tribe, to a man of an external tribe when his own tribe has refused to maintain him; or it is the price of labour alone to the tribe. Unless his son maintains him not, i.e. unless his own son maintains him not. Because the father is unqualified, i.e. I make a condition here, if the father be unqualified, it is not unlawful for the son, if he does not maintain him (*the father*).

If it be to a church one gives his land for maintaining him, it is forfeited to it (*the church*) until it has the worth of service as far as the value of one-third or one-half of what was purchased; for it is the same as

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ocus bid digbad a fine in tan na nurnaidend a folta. Is da foltaib fine gaire cach fir fine, fogne fine ina foltaib coraib. Folaid core fri fine cen ni cria neach acht ni ria; cen nimgona; acht ni ailse na dinruide; cennib gaeth, acht nis nellne a baes; cenir trebar acht nir foglaig fine na selba. Trebar cach conae a finntid oigi foric, na facba domain bes mo inde foric fuirre.

Mad fri heclais .i. mad risin neclais ada cuires nech a fearann ar a gaire. As diles di .i. is diles di co roib log uasal fognama di and, .i. is diles don eclais an torba do ruacell ar gaire, co roicter fri leċlog no trian log bes riu in fognam do righne, leċ mara indeiċbir don fine cen a gaire, no trian mara deithbir. Bes riu a trian .i. mara ndeithbiriur. Do ruaicle .i. degcendaiges.

No trian .i. in ni ro biad do mac aerma dan fine ar denam na gaire, a trian don eclais, ocus deithbiriur fo dera don fine cen in gaire do denam. No dono, co na dernaḋ si in comlogud sin acht re fine budein.

Cret derige berad riu a leth? .i. tir da seċt cumal uil ac an senoir, ocus tir seċt cumal dib don eclais.

O'D. 320.

[Cid is detbiriur ocus is indetbiriur don fine? Is eḋ is detbiriur doib a mbet ag a crich. As ed imurro is indetbiriur doib, atait a crich, ocus ata soiċceach inlesuiġe acud, ocus ni denuit in ġaire.

Mata ag in mac soithceaċ, a langaire andis .i. a athuir ocus a mathuir; denaḋ a langaire andis. Muna fuil ac in mac soithceaċ a langaire andis, ocus ata a nimfulung, denad a nimfulung andis; muna fuil aige a nimfulung andis, fagbaḋ a mathair isin cluḋ, ocus tabraḋ a athuir les for a muin dia tiġ féin.]

[1] *In the ditch.*—The word 'cluḋ,' here translated 'ditch,' means also 'a grave, a 'burying ground.'

if the tribe had become extinct when it does not attend to its duties. It is *one* of the duties of the tribe to support every tribe-man, *and* the tribe does this *when it is* in its proper condition. The proper duties *of one* towards the tribe are that when he has not bought he should not sell; that he does not wound; nor desire to wound or betray; although he be not wise, but that his folly has not been taxed; although he be not wealthy, but that he be not a plunderer of the tribe or land. Every one is wealthy who keeps his tribe-land perfect as he got it, who does not leave greater debt on it than he found on it.

If it be to a church, i.e. if it be to the church one lets his land for maintaining him. **It is forfeited to her**, i.e. it is forfeited to her until she has the amount of her noble service, i.e. the land which it purchased by maintenance *of an old man* is forfeited to the church until half the amount or one-third the amount of the maintenance she performed is paid to her, one-half if it be without necessity the tribe did not perform the maintenance, and one-third if it be with necessity. **As far as the value of one-third**, i.e. if it be a *case of* necessity. **Of what was purchased**, i.e. honestly purchased.

Or one-third, i.e. of what would be *due* to an adopted son of the tribe for performing the maintenance, the third is due to the church, when it was necessity that caused the tribe not to perform the maintenance. Or, *according to others*, she (*the church*) would not make this settlement except with her own tribe.

What of this is worth one-half? That is, the old man has land worth[a] two seven 'cumhals,' and *he gives* one *portion of* land, of *the value of* seven 'cumhals,' to the church.

[a] Ir. *of*.

What is necessity and non-necessity for the tribe? Necessity for them is when they are not in their territory. Non-necessity for them however is, when they are in their territory, and they have sufficient wealth, but they do not perform the maintenance.

If the son has sufficient wealth, he should fully maintain both, i.e. his father and his mother; let him maintain both fully. If the son has not wealth sufficient to maintain both fully, but that he have sufficient to support them, let him support them both; if he has not sufficient to support them both, let him leave his mother in the ditch,[1] and let him bring his father with him on his back to his own house.

CUSTOMARY LAW.

No bes fiu a leth .i. in ní ro biad do mac faesma dan fine ar denam na gaire, corab a leath bes dond neclais; ocus inndeithbirius fodera don fine cen in gaire do denam. Ar is cuma .i. ar is cutruma ocus do dibdaidis in fine, in tan na hurnaidet in fine na folaid dlegar dib imon gaire, .i. [am̄ail ictar] uad fri eclais is amlaiḋ ictar leiṫ trian in fognama ar gaire. Is da foltaib .i. is do na foltaib dlegair don fine a fear fine do gaire. Fogne fine .i. fogniait is na foltaib dlegair dib do reir ċoir. Folaid core fri fine .i. is iat so folaid is coir do ris in fine. Cen ni cria .i. cen co cennaigea nech ní amuich. Acht ni ria .i. aċt na raca ni amach. Cen nimgona .i. cen co derna imgoin he, aċt na raib a nailsiuḋ imgona. Na dinruide .i. na derna tennruiḋiuḋ indligṫhech .i. im brath. Cennib gaeth .i. cen cob gaeṫ a naicned he, aċt nar eillnither ni dic ina bais. Nis nellne a baes .i. nis airle ni dia baís .i. cin a gaite no a forloisce. Cenip trebar .i. cen cob trebṫach he im ar ocus im buain, aċt na ra foglaid he do main na do fearand. Trebar cach conae .i. is trebar in caċ cometas duthaig a fine fon comlaintius rainic ina laim. Na facba domain .i. nar facba di somainius cinad bes mo indti ina in ni ro hairged uirre reme.

Imfuich mac gor cach ndochur im a athair, nimfuich cach sochur. Foeige cen ni rotaithim. Is amlaid in tathair fris in mac ngor; imfuich cach ndochur, nimfuich cach sochur.

Cach ndochur .i. ce ristar a les cin co ristar. Nimfuich .i. ni imtaithmich. Cach sochur .i. nocu ri a les. Foeige .i. deine fireigium imme ima fuaidriud cen co cuimgech thu a thaithmech. Is amlaid in tathair .i. is amlaid sein ata in tathair risin mac do ni a gaire. Imfuich cach ndochur .i. ce ristar a les cin co ristar. Nimfuich .i. noco ri a leas.

Nimta in mac ingor; nimfuichside nach sochur no nach dochur dia athair. Nimtha in tathair fris in

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[1] *As it is rendered.*—The words in brackets in the Irish 'am̄ail ictar' are very obscure in the MS. and are only read conjecturally.

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Or as far as the value of one-half, i.e. whatever would be *due* to an adopted son of the tribe for performing the maintenance, it is one-half *the same* that will be *due* to the church; in case it was not necessity that caused the tribe not to perform the maintenance. For it is the same, i.e. it amounts to the same thing as if the tribe had become extinct, when the tribe does not attend to the duties required of it respecting the maintenance, i.e. as it is rendered[1] by him to the church so the one-half *or* one-third of the service shall be paid for the maintenance. It is *one* of the duties, i.e. it is one of the duties required of the tribe to maintain their tribe-man. The tribe does this, i.e. they do it by the duties which are required of them according to propriety. The proper duties towards the tribe, i.e. these are the duties which are proper for him towards the tribe. When he has not bought, i.e. when one has not purchased a thing outside. He should not sell, i.e. he should not sell a thing out. That he does not wound, i.e. *it is not enough* that he does not wound, but he must not have a desire of wounding. Or betray, i.e. that he does not furnish any unlawful information, i.e. with respect to betraying. Although he be not wise, i.e. although he be not wise in his nature *he is all right*, but so that nothing is claimed to be paid for his folly. His folly has not been taxed, i.e. nothing is claimed for his folly, i.e. the liabilities of his thieving or his burning. Although he be not wealthy, i.e. although he is not efficient as to ploughing or reaping *he is all right*, but so as he is not a plunderer of property or land. Every one is wealthy, i.e. every one is wealthy who keeps the hereditary property of the tribe in the same perfection in which it came into his hand. Who does not leave *greater* debt, i.e. that he does not leave upon it a debt of liabilities greater than what was claimed of it before.

A son who supports his father impugns every bad contract of his father's, he does not impugn any good contract. He notices although he does not dissolve. So is the father in relation to the son who supports him; he impugns every bad contract, he does not impugn any good contract.

Every bad contract, i.e. whether it is required or not required. He does not impugn, i.e. he does not dissolve. Good contract, i.e. which he requires. He notices, i.e. he gives notice that he[a] will disturb it although he[a] is not able to dissolve it. So is the father, i.e. in the same way is the father with respect to the son who performs his maintenance. He impugns ever bad contract, i.e. whether it is required or not required. He does not impugn, i.e. which is not required.

[a] Ir. *thou.*

Not so the son who does not support his father; he does not dissolve any good contract or any bad contract of his father's. Not so the father in regard to

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mac ningor; do intaside cach ndochur ocus cach sochur dia mac, mad forfoccra curu a meic co fiastar cach. It dilsi do seoit a mec cip airm ina tair; nach frithfola friu cia ruc a macsum ar cach it dilsi; is de as berar "ni ria ni cria fri dodamna. Ni cria do baeth filit la feine, do mnaí, do cimid, do mug, do cumail, do manach, do mac beoathar, do deorad, do taid"

* *

Nimta .i. ni hinionn leaṁ .i. nocon amlaiḋ fein ata in mac ingor. Nach sochur .i. cor comloiġ. Nach dochur .i. diubarta. Nimtha in tathair .i. ni hinann lium .i. nocon amlaid fein ata in tathair risin mac ingor. Cach ndochur .i. cen co rister a leas. Cach sochur .i. cona riachtain a leas. Mad forfoccra .i. madia furfoccra in tathair air can cunnraḋ do denam ris in macc. Co fiastar cach .i. co raib a fis ac in cach do rinde cunnrad riss. It dilsi do .i. is diles do seoiṫ a meic cidbe inad a tarraid iat. Nach frithfola .i. nocon fir fola a leth ris ciped beres a macsum o caċ duine no co tarṫaither he fein. Ni ria ni cria .i. ni ro reca ni imach ocus ní ro cennaigea ní imuich don ti as daedamna bis is in ḋomon .i. in mac ingor. Ni cria do baeth .i. ni ro cennaigea ni o na baeṫaib fuilet do reir in feinechais. Do mnai .i. in adaltrach. Do cimid .i. is dilsech bais. Do mug .i. daer. Do cumail .i. dair. Do manach .i. cid saer manaċ cid daer manach. Mac beoathar .i. in maċ ingor. Deorad .i. deora da nemṫarraċtain. Do taid .i. in gataide.

O'D 320, &c.

A eiric ocus a dibuid.

.i. coirpdire. Dibuid .i. seoit ocus maine .i. ṫár sarugad do bui amuiċ é, ocus is cetfuid damaḋ ecodnuch é, ocus a breth conuir bud eislinn do da marbthar é, co mbeṫ coirpdire ocus einiclunn dia fine inn.

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[1] *Exchange.*—Frithfola—A thing given in exchange, the price of a thing sold.

[2] *From a thief.*—The full copy of the 'Corus Bescna' in O'D. 1137–1163 ends imperfect here. The remainder of the section, the text of which is also imperfect is taken from O'D. 320, &c.

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the son who does not support him; he sets aside every bad contract and every good contract of his son's, if he has by notice repudiated the contracts of his son, that all might know it. The 'seds' of his son are forfeited to him wherever he seizes them; whatever his son has obtained from others in exchange[1] is forfeited; whence is said: "thou shalt not sell to, or buy from an unqualified person; thou shalt not buy from a fool of those among the 'Feini,' from a woman, from a captive, from a bondman, from a bondmaid, from a monk, from the son of a living father, from a stranger, from a thief."[2]

Not so, i.e. I do not deem it similar, i.e. it is not so as to the son who does not support his father. Any good contract, i.e. a contract of equal value *on both sides.* Any bad contract, i.e. frauds. Not so the father, i.e. I do not deem it alike, i.e. the father is not so with respect to the son who does not support him. Every bad contract, i.e. which is not required. Every good contract, i.e. when it is required. If he has by notice repudiated, i.e. if the father has warned *the public* in the case not to make a contract with the son. That all might know it, i.e. that every one who made a contract with him might know it. Are forfeited to him, i.e. the 'seds' of his son are forfeited to him wherever he seizes them. In exchange, i.e. whatever his son has obtained from any man cannot be true value with respect to him *nor aught else* until *the thing* itself is seized. Thou shalt not sell or buy, i.e. thou shalt not sell a thing out, and thou shalt not buy a thing outside from the most unqualified person that is in the world, i.e. the son who does not support his father. Thou shalt not buy from a fool, i.e. thou shalt not buy from persons who are not sensible according to the 'Feinechas.' From a woman, i.e. the adulteress. From a captive, i.e. who is condemned to death. From a bondman, i.e. a 'daer'-bond-man. From a bond-maid, i.e. a 'daer'-bondwoman. From a monk, i.e. either to a 'daer'-monk or a 'saer'-monk. *From* the son of a living father, i.e. the son who does not support his father. A stranger, i.e. from a stranger who is not to be found. From a thief, i.e. the stealer.[3]

His 'eric'-fine and his bequest.

His 'eric'-fine, i.e. his body fine. Bequest, i.e. 'seds' and property, i.e. by violence he was outside, and it is the opinion *of lawyers* that if he be a non-sensible adult, and that, while being brought out by an insecure road, he was killed, his tribe shall have body-fine and honor-price for him.

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[3] *Stealer.*—This is the last word in the copy of this tract in H. 2, 15, p. 66, b. (O'D. 1163.) The remainder is taken from the fragmentary copy preserved in H. 3, 17 (O'D. 320, &c.), except a few sentences from H. 3, 18, p. 381, a. (C. 833, &c.)

Cuic seoit for neach biathus eloḋuch ar a finnathur.

.I. fiachtatar .ui. haiḋicha ina baisi banapaḋ a fut feineachuis naċ seacha; .ui. buar segar in apaḋ a cain fuithribe; ocus na cuic seoit a senchus .i. teora ba do taet do gaċ eric diḃ, ocus is in apaḋ fiallaiġ ingnima ata annso. Bo imorru munbad ingnima .i. fon cosmuilius fuil a cain, aḋon, se uinge ma ingnima, ocus da uinge munbad ingnima.

Caċ cin do dena tar banapad oc in fir fine is a trian fair. Ma tar sarugad bes oga is a lain cin fair. Mad og fir ainfine bear tar banapaḋ, is leṫ a cinuid fair; lan imorru tar sarugad. Cach cin do dena ria techt ċuice is a lan fair ar a lesuga, ocus comarlegaḋ, ocus ditug; ina lesuga ocus comarlegaḋ nama, is a leṫ ċin fair. Is e a trocuire, in cin nama fair; is e a etrocaire, in cin ocus in smaċt for in ti aga tá.

Cach innurbut anfoluid.

.I. nochan iat a drochfolaiḋ fein innurbut hí. Mas co hinndligteċ ro leged in cet muinnter nocha dligtur da mac a gaire do denum co ti aimsir sirg, no galuir, no enuḋa.

Fil se macu i nurd coir,
La cach sruithe, la gaċ seanoir,
Do reir in tSencusa moir,
Do na dlig athair anóir:

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[1] *Unawares.*—'Banapadh' occurs, when a man is proclaimed, and the friend who entertains him does not know it.

[2] *Proclamation.*—'Ban-apadh' literally 'white-notice,' is explained in O'D. 969, to be, 'feeding and sheltering the proclaimed person, before he has committed the crime;' feeding and sheltering him after he had committed the crime was called 'derg-apadh,' literally 'red-notice.'

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Five 'seds *is the fine* upon a person who entertains a fugitive who is known.

That is, six '*seds*' is the extent of the fine for entertaining a proclaimed person unawares[1] according to the Fenechus, *i.e.* six cows are claimed *as fine* for entertaining a proclaimed person[a] in the 'Cain Fuithribhe'-law; and the five 'seds' in the Senchus *Mor*, i.e. three cows go to each 'eric'-fine of them, and this is for entertaining a party fit for action; but one cow if they are not fit for action, i.e. similar to what is in the 'cain'-law, viz., six ounces if they (*the persons entertained*) be fit for action, and two ounces if they be not fit for action.

[a] Ir. *Proclamation.*

As to every crime which he (*the person entertained*) shall commit notwithstanding 'bán-apadh'-proclamation,[2] *while* with the tribe-man, the third of the fine shall be upon him (*the tribe-man*). If he is with him in violation *of law* his full crime shall be upon him (*the tribe-man*). If he (*the proclaimed person*) be entertained by[a] a man of another tribe while under 'bán-apadh'-proclamation, half of *the fine for* his crime shall be upon him *who entertains;* but full crime *is committed if he be entertained* in violation *of law. Of* every crime which he commits before coming to him the full fine shall be upon him *who entertains,* for supporting, counselling, and sheltering him; *and* for supporting and counselling him only, half his crime shall be upon him (*the entertainer*). The leniency *of the law in this case* is, that he (*the entertainer*) bears his crime only; its severity is, that the crime and the 'smacht'-fine fall on the person with whom he is.

[a] Ir. *with.*

Every putting away *of a woman* for disqualification.

That is, they are not her own bad qualities that cause her to be put away. If the first wife was unlawfully put away, her son is not bound to maintain her until the arrival of the time of her decrepitude, or disease, or 'enudha'-pledge.[3]

There are six sons in proper order,
In the opinion of[a] every learned, every senior,
According to the 'Senchus Mór,'
Who are not bound to honor their fathers;

[a] Ir. *with.*

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[3] *Or 'enudha'-pledge.*—The text is defective here; hence the passage is very obscure. In C. 834, the term 'enoṫa' occurs, and is glossed "in gell denma aiṫirge, aċt ni taibre in fine, i.e. the pledge for repentance, but the family will not give it."

Mac cét muinntire, mac builg,
Mac crabuiḋ cin uair nimuird,
Mac dia tabuir miscais glé,
Mac cin tir, mac i ndaire.

Acht ma raċuille cleirceċt no enuḋa.

.i. acht ani urċuille a clerceċt .i. gat do denum, do no tomuilt feola a corgus. No enuḋa .i. ensed .i. sed óin ar anḟainne; no una souḋ .i. souḋ o un can cinuiḋ; no aensed i ndé, no oċa neóin, no aeċ uaḋ i nde na dingne aris; no nocha mbi aige ni beċuiġus in taen, no in ten do biaḋ; dligtur an tathair don mac isunndu.

Mac dia tabuir aithir sainmiscuis.

.i. ni da setuib do beir in tathuir do gaċ mac do ainnsin, ro faguib cin setuḋ, nocha dligthur derside gaire in athur do denum, co ti aimsir sirg no ensod.

Mac fonaguib aithir cin orba.

.i. ina cinuiḋ indetbire fein, in athur, do chuaid an fearunn annsain; ocus ni hinndligthech don mac cin co derna in gaire ainnside, co haimsir sirg no galuir, no eonuḋa, uair dama ina cintaib deitbire dechsad do denta a gaire; no gemaḋ cin indeṫbire, damaḋ a cin inbleoġuin do dechsaḋ, do dénta a gaire.

Mac fonagaiḃ a aithir i ndaire do flaiṫ.

.i. i ndaeir celsine, no a ndaermainchi.

Ma ro faguiḃ in tathair cis doeraigilleċta ar in mac do flaith, no deacluis ar in fearunn do neoch na roibe air costrasta ar cinn an athur, no ma ro fagaib fein fech indetbire eile, nocha dligthur don mac in tathair do gaire co ti aimsir sirg no galuir no eonuḋa.

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[1] *The bird.*—The Irish word for bird and that for the number one, are sounded alike.

The son of a first wife, a 'macbuilg'-son,
The son of a religious without an hour for his order,
A son for whom he (*his father*) harbours pure hatred,
A son without land, a son in bondage.

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But what clerkship forbids, or 'enudha'-pledge.

That is, except what clerkship prohibits, i.e. to commit theft or to eat meat in Lent. Or 'enudha'-pledge, i.e. 'enshed,' one 'sed,' i.e. 'sed-oin,' a 'sed' of one, (*a cow that may be detained one day*) in his debility; or 'una-soudh,' i.e. returning from washing without crime, or one 'sed' per day, or from noon forward, or an oath from him by God that he will not do it again; or he has not as much of food as feeds the one person, or the bird;[1] it behoves the son *to maintain* the father in this case.

A son to whom the father bears peculiar hatred.

That is, the father gives a portion of his 'seds' to every of his sons in this case, *except one whom* he has left without 'seds;' he (*the son*) is not bound to maintain the father, until the arrival of the time of his decrepitude, or 'enshod'-pledge.

A son whom his father has left without land.

That is, the land has passed away for his, the father's own liability in this case; and it is not unlawful for the son, that he does not perform the maintenance in this case, until the time of decrepitude or disease, or 'eonudh'-pledge, for if it were for his (*the father's*) necessary liabilities they (*the lands*) had passed away, his maintenance should be performed; or if it were an unnecessary liability, if they had passed away for the liability of a kinsman, his maintenance should be performed.

A son whom his father has left in bondage to a chief.

That is, as a 'daer'-stock tenant, or a 'daer'-stock tenant of church lands.

If the father has left a rent of 'daer'-stock tenancy to a chief upon the son, or to a church for the land, *a rent* which was not as yet upon it *when it came to the father, and which was,* owing to the father's liabilities, or if he has left other unnecessary debts, the son is not bound to maintain the father until the arrival of the time of his decrepitude or disease or 'eonudha'-pledge.

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Acht munar tairg in tathuir somuine cuige amuiġ; ocus ma ro tairg, cid bec ro tairg, is airium imrínn itir in somuine ro tairg, ocus in domuine ċisa no fiach ro faguiḃ ar in mac.

Cemad é luḋa ini do bera in tathuir amuich ina ani tug amach, o do bera ni amuich dentar a ġaire. Ocus ferunn ro tairgiustur in taithir ċuige amuiġ ainnsin, uair a deir, ar a sruithe sobartan in athur.

In duine ro bregustur in mac o gaire a athur, no ro bregustur in fer fine o dliged corusa fine, aithgin gnimruiḋ dic do re athuir no re fine, ocus ícuiḋ se lainfiach in cinuid ima ro dithnistur é, ocus cach cinuiḋ do dena no go ti re dliged; ocus gemaḋ eḋ bud ail lais a tidnucal fein is in cinuiḋ sin, nocha tidhnuicfe, uair is ditiuḋ iar ndenum cinuid ime; ocus in cin do rinne aige iar na ditin, ina roġa so ma tar ine tiḋnuigfes inn, no in setu do bera tar a ceann.

Más ar daiġin a gaite rug les e, einiclunn dic res budein ocus einiuclunn dic re fine, ocus a toraċtuin féin; ocus muna tora, coirrdíre ocus éiniclunn dic re fine.

Ilinnerġe ineragar o ecluis bunuiḋ

.1. innege deṫbire inso o eagluis di araile do treḃuib neaguilsiḃ.

Fil seċt ninnerġe in gaċ ré,
O ecluis incáiriġte;
Meath, cin, núna, ditír de
Mac builg, fogluim, eliṫre.

In tan tiagar i ninderge detbire on eagluis bunuiḋ, ocus atbaill in sin oc annoit, ocus faguiḃ comarba, it da trian a

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[1] *‘Sobartan’-compensation.*—‘Sobartan’ is thus glossed in C. 2,888, “so a raide, .i. a raide maiṫ, ut est a sobartan uile las in slog co tigam,” good his (or their) ‘raide,’ his (or their) good ‘raide,’ as it is, their entire ‘sobartan’ with the host, until we come.’ It seems to mean some kind of compensation or payment. ‘Raide’ is perhaps from the verb ‘radaim,’ I give.

[2] *Desertions.*—In C. 834, the following gloss on this passage occurs,

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But *this is the case* unless the father has acquired property outside *the territory;* and if he has, be it ever so small, there is a calculation of the division *to be made* between the property which he acquired, and the debts of rent or *other* debts which he left upon the son.

Though what the father has acquired outside *the territory* be smaller than what he gave out, as he has acquired anything outside let him be maintained. And it was land that the father acquired outside in this case, for it (*the law*) says, from his dignity came the 'sobartan'[1]-compensation of the father.

The person who has seduced the son from maintaining his father, or who has seduced the tribe-man from the law of the 'corus-fine,' shall make restitution in act to the father or to the tribe; and he (*the seducer*) shall pay the full fine for the crime in which he sheltered him, and every crime which he (*the sheltered person*) commits until he returns to law; and if he (*the shelterer*) prefer to deliver *the criminal* himself for that crime, he shall not do so, for he is guilty of sheltering after the commission of crime; and *as to* the crime which he (*the sheltered person*) committed *while* with him after sheltering him, he (*the shelterer*) has his choice whether he will deliver him up for it, or give 'seds' *to pay* for him.

If it was for the sake of stealing (*kidnapping*) him he took him with him, he shall pay honor-price to himself, and honor-price to the tribe, and return him (*the stolen person*); and unless he return him he shall pay body-fine and honor-price to his tribe.

Many desertions[2] are made from an original church.

That is, these are necessary desertions of one church for another by ecclesiastical tribes.

There are seven desertions in each time,
From a church, which are excusable;
By failure, crime, famine, landless man,
A 'Macbuilg'-son, learning, pilgrimage.

When necessary desertion takes place from the original church, and he (*the person who deserts*), dies at an 'annoit'-church,[3] and

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"ınꝺeꞃaᵹaꞃ .ı. ꞇíaᵹaıꝺ a manaıch uaıꝺı aꞃ nı ꝼıu leo manċıꝺı. Desertion takes place, i.e. her monks go away from her, for they do not value their condition as monks."

[3] "*Annoit-church.*"—That is, the church in which the patron saint was educated, or in which his reliques were kept. In C. 122, the word is glossed, "Ecłaıꞅ ꝺo eꞇ ın aıłe aꞅ cenn ocuꞅ ıꞅ ꞇuıꞅıꝺe: a church which precedes another is a head and is earlier." Elsewhere it is otherwise glossed, in accordance with the first explanation.

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ceannaiġe do eagluis bunuid, ocus trian do annoit. Ocus tet a comarba in fir sin o annoit co compáirċe in innerge detbiri, ocus atbaill asuiduga, ocus faguib comorba, it da trian do eagluis bunuiḋ ocus trian do compairċe beos; ocus ce ṫes a comorba co heaclu is eile, is hi rann in so bias fair dia egluis bunuid beos, co roib trian in aen eagluis dib. Ocus dia roib dias in aen eagluis dib, ocus tét in tres fer co heagluis aile, cid beirius eagluis bunuiḋ as in fer deġinuch so da trian ceannaiġe rug is in cet fer, ocus leṫ is in fir tánuisi, in leṫ no in trian is in fir so; dicunt alii comad leṫ, quod uerius est; dicunt alii comad trian.

Dia roib a seanathuir i nannoit ocus a athuir in atharaċ annoite, dia timna a adnucal la athuir in aen eagluis, adnuigtar. Muna timna, is crannchur eturru.

Ma foraė neach cinuid náincear no etġe.

.1. in gaeth do breiṫ na lassa uada.

No etġe .1. indaipel do tuitim uada.

Treḋe dilsigus in manuch so; cin detbire ocus indetbire neagalsa, ocus bith cin fine, ar dia mbe fine is forro ṫimargar.

Ma manach gill do bás, is dilius ar dechmuid on airċinnach ro lég cin fuaslugad. Masa sona sofoltach, is dilius ar .l. no fri ré nairċinnach eile munab iat ro lég. Dia comuirlege in eagluis tir lais, is da trian in tire sin do eagluis bunuiḋ on manuċ féin, ocus a leṫ on mac, ocus cin ni on tres fir; no is lais in eagluis bunuiḋ in tir seo uile, aċt is tir creanus-som iar na tabuirt i ngeall.

Is fair ata in cobfodail seo .1. a trian do bunad ocus a

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[1] '*Ceannaighe*'-*goods*, vid. note 2, p. 32.

[2] '*Compairche*'-*church.*—A church in the same parish, i.e. any church under the name and tutelage of the original saint.

[3] *Inadvertence.*—The MS. is defective here.

has left an heir, two-thirds of his 'ceannaighe'-goods[1] are *due* to the original church, and one-third to the 'annoit'-church. And the heir of this man goes away from the 'annoit'-church to a 'compairche'-church[2] by necessary desertion, and he dies there, leaving an heir, two-thirds *of his ceannaighe goods* are *due* to the original church and one-third to the 'compairche'-church still; and though his heir may go to another church, this is the division that will be *due* from him to his original church still, until three *generations* of them (*his descendants*) shall have been at one church. And if two *generations* of them have been at one church, and the third man *in descent* goes to another church, still the original church will get from this last man the two-thirds which it got of 'caennaighe'-goods from the first man, and one-half from the second man, and one-half or one-third from this *third* man; some *lawyers* say that it is one-half, which is more correct; others say that it is one-third.

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If his grandfather was *buried* in an 'annoit'-church and his father in a different 'annoit'-church, if he has willed (*ordered by his last will and testament*) to be buried in the same church with his father, let him be *there* buried. If he has not willed it, lots shall be cast between them (*the churches*).

If one has committed a crime unintentionally or by inadvertence.[3]

That is, *a case wherein* the wind carried the flame from him.

Or by inadvertence, i.e. the spark fell from him.

Three things render this tenant of church lands forfeit; necessary and unnecessary ecclesiastical liabilities, and to be without a tribe, for if he had a tribe it is on them it (*the fine*) would be levied.

If he be a tenant of church lands who is a pledge unto death, he is forfeited in ten days from the Herenach who left him unransomed. If he be prosperous and wealthy, he shall be forfeited in fifty *days*, or in the time of other Herenachs, unless it was they that left him *unransomed*. If the church advise *that* land *be given* with him, the two-thirds of that land are due from the tenant of church lands himself to an original church, and one-half from the son, but nothing from the third man (*generation*); or (*in the opinion of others*), all this land belongs to the original church, but it was land that he purchased after he had been given in pledge.

It is of it (*the land so purchased*) that the following partition is

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trian do frichnum, ocus is lais in ti oca tasom an geall sin a trian naill. Da trian as siḋe don eagluis bunuid on cet fir, ocus let on fir tanuisi. Is amluiḋ sin rannter a imna ocus a udaċt ocus a ceannaiḋe oilcheana.

Ge ina cin detbire focerd a mainċe fri eagluis, do ber a tir do.

.1. caċ cin detbire do dena duine, cinmotha marbaḋ, dia tarrustur fair, is a eiric uaḋa fein co ro ṫocaiṫer a innile ocus a tir inn; aní bis fair cin eiric is a ic dia fine amuil comrainnit cró. Mana tarrustur fair, is a ic dia fine iar caithium a tire inn, amuil comruinnter cro.

Cid is detbirius ann ocus cid is inndetbirius?

Ised detbirius ann cinta anfoit ocus indetbire torbuiḋ. Issed is indetbirius ann cinta comruite ocus gin tuilliṁ.

Ma marbaḋ detbire, cinmotha .iiii. gona duine in corusa fine, cia tarrustur fair cin co tarrustur, is a ic dia fine, amuil comruinnit cro; ocus icuiḋsom cumal aiṫgina, ocus cutruma fria mac no fria athuir, do na se cumaluiḃ dire.

Cach cin indetbire do ni duine itir marbaḋ ocus arail, is é faderin inn ocus a innile ocus a tír.

Mana bé a ic ann, no muna tharrustur fair, is a ic dia mac co ro caiter a innile ocus a tir inn. Muna bé a ic ann, is a íc dia athuir fon coir cetna.

Muna bé a ic ann beos, is a ic do gaċ teallach is neasa do co roisc a mbe oca, no co ro lainic in cinuiḋ.

Is aire icus caċ teallaċ is neasom do, uair is indetbir in cin, ocus cid indetbire in cin, raḋuiḋ a tir inn resiu tisat fein, uair nachat e do ronsat in cinuid.

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[1] *In him.*—If he and his cattle and his land be not sufficient to pay for his crime.

made, i.e. one-third to the owner *of the stock,* and one-third to *those who perform* service, and the other third to the person with whom he is in pledge. Two-thirds out of this *is due* to the original church from the first man (*generation*), and one-half from the second man (*generation*). It is in this manner his gifts and bequests and 'ceannaighe'-goods in general are divided.

Though it be for his necessary liability that he gives his property to a church, his land shall be given him.

That is, every crime of necessity which a man commits, except killing, if he be apprehended, he shall pay 'eric'-fine for it himself until his cattle and his land be spent in *payment of* it; what remains of his crime unpaid for shall be paid by his tribe *in such proportions* as they divide *his* property. If he is not apprehended, it shall be paid by his tribe, as they divide his property, after his land has been spent on it (*all given away*).

What is necessity and what is non-necessity?

Necessity is a crime of inadvertence and unnecessary profit. Non-necessity is intentional crime and such as was not deserved *by the injured party.*

If it be a *case of* necessary killing, *always* excepting the four manslaughters *mentioned* in the 'corus fine'-law, whether he (*the homicide*) is apprehended or not apprehended, it (*the 'eric'-fine*) is to be paid by his tribe, as they divide his property; and he (*when apprehended*) shall pay a 'cumhal' in restitution, and as much as a son or a father, of the six 'cumhals' of 'dire'-fine.

As to every crime of non-necessity which a man commits, as well homicide as other *crimes,* he himself is *to be given up* for it with his cattle and his land.

If the payment be not in him[1] (*in his power*), or if he has not been apprehended, it is to be paid by his son until his cattle and his land be spent on it. Unless the payment be in him (*in his power*), it is to be paid by his father in the same manner.

If the payment be not in him (*in his power*) either, it is to be paid by each nearest family to him until all they have is spent, or full payment of the crime is made up *among them.*

The reason that each nearest family to him pays is, because the crime is *one* of non-necessity, and although the crime is *one* of non-necessity, their land shall go (*be liable*) for it before they themselves shall go (*be liable*) for it, because it was not they (*the nearest families*) that committed the crime.

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Ni tiaguit flaithe for eaglais.

.i. in mac eguilsi má e marbtar ann, a coirpdire urradais imorru dia fine .i. ni beruit flaithe ni do neoch tormuig cáin.

Cor mic do cill is dilius don eaglais.

.i. log neiniuch ocus reċt cumula coirpdire ocus reċt cumula smaċta do eaglais uasail; log neiniuch ocus reċt cumula coirpdire ocus leṫ reċt cumula smaċta do eaglais leṫdire, ocus is o cuicti amach inn sin. Cor do cill, laineineclunn don eaglais dia curthur, ocus lan coirpdire fuirre co ceann reċtmuine; reċt cumula do eaglais uasail, ocus leṫ reċt cumul do eaglais isil a smaċt dia mbe cáin, no dia troisce egluis im cáin; ocus cumul dia eaglais fein ma uasal, ocus cumul eile dia rí ar a ċur seochu, ocus trian log einiuch dia eaglais fein ut aili dicunt; log naltruma dono ocus einiuclunn ocus a tir lais din don eaglais dia curthur muna fuasluicter di.

Ma a neaglais anunn fo certus cuna marb intí cin fir, is lain eineclunn ocus lan smaċt don eaglais; mad i faiṫe, leṫ smaċt ocus leṫ eineclunn. Mas isi nacha mbiathad, iar fir, comad coirpdire no eineclunn no uiliatuide.

Uinnge forceatuil deoda.

.i. dia toircter dia eaglais fein dia foirceatul, ocus bithe iar ndia innte, ocus ni gaib, is dilus uaiṫe di eaglais notnail co ro ica eaglais bunuid log a leiġinn; ocus beiriḋ a cuit tire o fine; ocus gaibid arḋaine oc in eaglais cus a tig, is in cuiced lug.

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[1] *The removing.*—Removing a young man so as to prevent his being ordained after the church had obtained him fairly, and educated him wholly or in part.

Chieftains shall not come against[a] the church.

That is, if it be a student for the ministry that is killed, his body-fine according to 'urradhus'-law is *to be paid* to his tribe i.e. *lay* chiefs shall not obtain anything of what the 'cain'-law adds *to the body-fine.*

[a] Ir. *on.*

The removing [1] of a son from a 'cill'-church incurs forfeiture to the church.

That is, honor-price and seven 'cumhals' of body-fine and seven 'cumhals' of 'smacht'-fine *are due* to a noble church; honor-price and seven 'cumhals' of body-fine and half seven 'cumhals' of 'smacht'-fine to a church entitled to half 'dire'-fine, and it is from five *days* out these *are to be paid.* *As to* taking away *a son* from a 'cill'-church, full honor-price is due to the church from which he is taken, and full body-fine is due to her to the end of a week; seven 'cumhals' to a noble church, and half seven 'cumhals' to an humble church for 'smacht'-fine if there be 'cain'-law, or if a church fast in order to get[a] 'cain'-law; and a 'cumhal' to his own church if it be noble, and another 'cumhal' to his king for the removal of him without him (*his knowledge*), and one-third of honor-price to his own church as others say; the price of his fosterage also and honor-price and his land moreover along with himself *are due* to the church from which he is taken unless he is ransomed from her.

[a] Ir. *for.*

If he is sent into a church at a distance and dies there without knowledge *of his death,* full honor-price and full 'smacht'-fine are *due* to the church; if *he is sent* into a green, half 'smacht'-fine and half honor-price *are due.* If it was it (*the church*) that did not feed him, after knowledge *of his hunger,* it will be body-fine or honor-price or full fines and costs[a] *that will be due.*

[a] Ir. *entirety.*

The ounce for divine instruction.

That is, if he (*the son to be educated for the ministry*) has been offered to his own church for instruction, and for being in the service of God[a] therein, and she did not receive *him, and he then is educated in another church,* he is forfeited by her (*his own church*) to the church that has educated him until his original church pay the price of his education; and *if she does not,* he shall obtain his share of the land from the tribe; and he takes the abbacy at the church to which he comes, in the fifth place.

[a] Ir. *after God.*

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Muna toirge a athair dia eagluis fein, is in tathair icus log a leginn. Muna better iar ndia is in eagluis, is da trian na fiach icus in tathair, ocus trian icus eagluis, ar asseḋ digbas aire do manach in'nerġe deṫbire.

Mad ailithriuch beiriur a anmcara fair.

.1. maḋ hi beiriur a anmcara air dul in ailitre iar fingail no duinetaiġe. Ma iar comairlegad dia eagluis fein tes in ailitre, cia fagbuiḋ ceannaiḋe cin co fagḃa, is dilius don eagluis cus a tét, cid mor fagḃus oicṫe. Munub a comairlegad imurro don ti, is a ceannaiṫe dia eagluis bunuiḋ, dia m̄be oga.

Eacluis fine erluma.

.1. fine erloma gebus in eagluis cein bes damna apaiḋ do fine erluma; cin co roibe acṫ sailmceatluid diḃ, is iat beiriur in apdaine.

Cach uair na biḋ, is a tabuirt dfine grin, no co roib damna apaiḋ dfine erluma; ocus o bias, is a tabuirt do masa ferr é ina in tab ro gaḃ hi dfine grin. Muna ferr, is iarsna re.

Muna tainic damna apaiḋ dfine erloṁa, na griain, in apdaine do tabuirt dfine manuch no co roiḃ damna apaiḋ dfine erloṁa, no griain; ocus o bias, inge ma ferr.

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[1] *Abbacy.*—When the 'fine erluma,' *i.e.* the tribe of the patron saint is not qualified, the 'fine grinn,' *i.e.* the tribe of the original grantor of the land, may supply an abbot.

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If his father does not offer *him* to his own church, it is the father that shall pay the expense of his education. If they be not in the service of God[a] in the church, the father shall pay two-thirds of the debts, and the church shall pay one-third, for this *condition* is what lessens in her case the fine for the 'manach'-person *whose case is one* of necessary desertion.

[a] Ir. *after God.*

If it be pilgrimage that his soul's friend has enjoined upon him.

If his soul's friend has enjoined upon him to go on a pilgrimage after *his having committed* the murder of a tribeman or murder with concealment of the body. If it be after consulting his own church that he has gone on a pilgrimage, whether he has left 'ceannaithe'-goods or not, whatever he leaves to the church to which he goes, be it ever so much, is due to it. If, however, he has not consulted with it (*his own church*), his 'ceannaithe'-goods, if he has any, are *due* to his original church.

The church of the tribe of the patron saint.

That is, the tribe of the patron saint shall succeed to[a] the church as long as there shall be a person fit to be an abbot of the *said* tribe of the patron saint; even though there should be but a psalm-singer of them, it is he[a] that will obtain the abbacy.[1]

[a] Ir *get.*

[a] Ir. *they.*

Whenever there is not *one of that tribe fit to be an abbot*, it (*the abbacy*) is to be given to the tribe to whom the land belongs, until a person fit to be an abbot, of the tribe of the patron saint, shall be *qualified;* and when he is, it (*the abbacy*) is to be given to him, if he be better than the abbot of the tribe to whom the land belongs, *and* who has taken it. If he (*the former*) is not better, it is only in his turn *he shall succeed.*

If a person fit to be an abbot has not come of the tribe of the patron saint, or of the tribe to whom the land belongs, the abbacy *is* to be given to *one of* the 'fine-manach'-class until a person fit to be an abbot, of the tribe of the patron saint, or of the tribe to whom the land belongs, should be *qualified;* and when there is *such a person, the abbacy is to be given to him* in case he is better.

Muna tainic damna apaiḋ dfine erluma, no griain, no manuch, annoit do gabail is in cethruṁaḋ luc; dalta da gabail is in cuiceḋ lug; compairċe da gabail isin seiseḋ luc; ceall comfoguis da gabail is in seċtmad lug.

Muna tainig damna apaiḋ in inud do na seċt ninuduib sin, deoruiḋ de dá gabail is in seċtmad lug. Muna dainic damna apaiḋ dfine erluma, na griain, na manuch an ainecht, ocus inṁe ag annoit, no ag dalta, no ag compairċe, no a cill comfoguis, no ag deoruiḋ dé, is a tabuirt dfine erluma, uair isi ar neimni beċ damna apuid dibsuige. In apaḋ uaḋuib.

Eclus fine grin ocus eaglus fine erluma ocus grin imale.

.I. fine griain gaibius in eaglus .i. aein fine fine erluma ocus griain in sin, ocus ar a fearunn fein ata in terlum ann:

Erlum, grín, manuch min,
Eaglus dalta co nglan briġ,
Compairche ocus deoruid dé,
Uaḋaib gabur apḋaine.

Cach aen dib sin gabus apdaine, cinmotha fine erluma, ocus

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[1] '*Annoit*'-*church shall assume it*, i.e. the mother of this church, i.e. the church in which its patron saint had been educated, shall then appoint an abbot of its own clergy. 'Bennchor' was the mother of a great number of churches; and so was 'Clonard.' Dr. O'Donovan suggests 'con parochia,' as a derivation for 'compairche,' and says it meant any church under the name and tutelage of the original saint, *i.e.* the founder of the original church.

[2] *Tribe.*—In this case the patron saint had built his church on his own land, and endowed it with his own land, and therefore the tribe of the patron saint, and the tribe of the original grantor of the land were one and the same.

[3] *Every one of these.*—In O'D. 554, 555, &c., the following account of the succession to the abbacy is given:—When there is not a person fit to be an abbot of the tribe of the patron saint (*original founder*) one is then sought from the tribe of the original grantor of the land, *who is to succeed* until such time as there should be one of the tribe of the patron saint; but the man in power (*ruling abbot*), who happens to be there, *being* of the tribe to whom the land belongs, cannot be removed unless he has been expelled *for his wickedness*, or has been disqualified by his evil

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If a person fit to be an abbot has not come of the tribe of the patron saint, or of the tribe of the *grantor of* the land, or of the 'manach'-class, the 'annoit'-church[1] shall receive it, in the fourth place; a 'dalta'-church shall receive it in the fifth place; a 'compairche'-church shall obtain it in the sixth place; a neighbouring 'cill'-church shall obtain it in the seventh place.

If a person fit to be an abbot has not come in any of these seven places, a pilgrim may assume it in the eighth place. If a person fit to be an abbot has not arisen of the tribe of the patron saint, or of the tribe to whom the land belongs, or of the 'manach'-class together, while the wealth *of the abbacy* is with an 'annoit'-church, or a 'dalta'-church, or a 'compairche'-church, or a neighbouring 'cill'-church, or a pilgrim, it (*the wealth*) must be given to the tribe of the patron saint, for one of them fit to be an abbot goes *then* for nothing. The abbacy *shall be taken* from them.

When it is a church of the tribe to whom the land belongs, and a church of the tribe of the patron saint and of the tribe to whom the land belongs at the same time.

That is, the tribe to whom the land belongs succeeds to the church, i.e. the tribe of the patron saint and *the tribe* to whom the land belongs are one *and the same* tribe[2] in this case, and the patron saint is on his own land.

The patron saint, the land, mild monk,
The '*annoit'-church*, the 'dalta'-church of fine vigour,
The 'compairche'-church and the pilgrim,
By them is the abbacy assumed (*in their relative order*).

Every one of these[3] who assume the abbacy, except the tribe of

deeds, or the person (*the new aspirant*) upon whom it is cast is worthier, for a junior often takes it from a senior. "Qualification is older than age." It is open to the tribe of the patron saint until they forfeit their privilege by *neglect during the* time of prescription.* When a person fit to be an abbot is not to be found of the tribe of the patron saint or of the tribe to whom the land belongs, before their privilege is lost by prescription, then one is to be sought in the 'manach'-class; if there be of them one who is fit, he shall be installed until such time as there shall be one of the tribe of the patron saint, or of the tribe to whom the land belongs; but the abbot who happens to be there shall not be removed unless the person upon whom it is cast (*i.e. the next aspirant*) is worthier; if he is not worthier he shall succeed *only* in his turn. Ignorant and deformed persons are unqualified, and every one is estimated according to his dignity, the dignity is according to his grade, the grade of each according to his service, the service of each according to

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* C. 834, adds—"The 'fine erlama' forfeit their prerogative if they remain too long without seeking their right, i.e. if it extends to prescription."

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griain, ocus manuch, is a ndibad uile dfagbail ṫall; no, coma comruinn cét manuiġ ar gaċ fir diḃ.

Ceall comcadluig commaith.

.i. comcaid log im ceann cille .i. ceall bes cuma a cill fein doibrim a ngeall fri gaċ nindliged tes fuirre co ndeoch for a setċe. In deoruiḋ de imorru a dibad siḋe uile don eagluis, ocus nocha legtur i ceann cille é no co ndeachaiḋ is in oċtmaḋ lug, ocus co fagbaḋ cill bus commaith re ceann cille ṫall, ocus re mancuiḃ amuiġ, ár faemus in cutruma indlige do gentur resin cill tall ima cutruma dindliged do denum ria budein amuich; ocus dia roiḃ in deoruiḋ de i fodrime ṫall as in eagluis, atait tri cumala dec ar fichit uaḋa, uair nocha nfuil fiach fodrime o duine in urrudus aċt o deoruiḋ dé. No cumaḋ a teċtugad na heaguilsi dóib sin uada; ocus tir gan cunn gan coiḃne don eagluis, ocus log tri cumul dec ar fichit dairiṁ rug les da techtugad; ocus a dilsi sin uaḋa.

Co secht cumala cacha mis co tri misaib.

.i. tri cumula dec ar fichet tig dib sin, ocus reomuinn o deoruiḋ dé; ocus smaċt fodriṁe sin, ocus nocha nfuil smaċt fodriṁe in urrudus aċt ma sin, ocus is é sin smaċt fodriṁe is mo is in berla. Secht cumula nama is e a trocar, a etrocar imurro cuic cumula ocus ceiṫri seċt cumula.

Ceall iar mbunud griain.

.i. cell iarum gabuit fine grin; ocus briaṫur erluma ata re

deeds of arms. And no blind man shall be a chief, i.e. no chieftainship (*leadership*) of the way shall be given to the blind man, or the ignorant man, and no lame man shall be exalted, i.e. no title shall be bestowed upon the lame man, i.e. in election for arms. No exhausted person shall be advanced, i.e. the person who has no substance or juice of strength in him, i.e. or who is without wealth.

[1] *Fine for trespass*, 'Fiach fodrime.'—In C. 552, 'Fodraim,' or trespass, is defined to be 'breaking of stakes or fences, and injuring of the 'roidh'-plant and onions, and dirtying the streets and causeways'; and it is observed moreover:

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the patron saint, and *the tribe* to which the land belongs, and the 'manach'-class, shall leave all his legacy within *to the church;* or, *according to others*, it is the share of the first 'manach'-person that is *due* of each man of them.

A 'cill'-church equally pure and good.

That is, they pay value for the headship of a 'cill'-church, i.e. a 'cill'-church equal to their own *is given* to them in pledge for every illegality which was committed against it until it (*the 'cill'-church*) goes to the true heir. Now the pilgrim's bequest is all *due* to the church, and he is not permitted to become the head of a 'cill'-church unless that he comes in the eighth place, and that he leaves a 'cill'-church as good as the head of a 'cill'-church within, and as the 'manach'-class outside, for he consents *to balance* the amount of illegality which is committed against the 'cill'-church within, against the amount of illegality which is committed by herself outside; and if the pilgrim were guilty of trespass in the church within, *a fine of* thirty-three 'cumhals' is *due* of him, for there is no fine for trespass[1] imposed upon anyone except the pilgrim in 'urrudhas'-law. Or, *according to others,* these are *due* of him for taking lawful possession of the church; and the church had land without amity or covenant of alliance, and he brought with him the value of thirty-three 'cumhals' to take lawful possession of it; and these are forfeited by him.[2]

With seven 'cumhals' every month for three months.

That is, thirty-three 'cumhals' come of them, and *those* before *mentioned* from the pilgrim; and this is a fine for trespass, and there is no fine for trespass in 'urradhus'-law except this, and this is the greatest fine for trespass in the 'Berla'-*laws.* The leniency of it (*the law*) is seven 'cumhals,' but the severity is five 'cumhals' and four times seven 'cumhals.'

A 'cill'-church for the original tribe to whom the land belongs.

That is, a 'cill'-church which the tribe to whom the land belongs *exclusively* take possession of; and they (*the tribe to whom the land*

"Thirty-three 'cumhals' is the largest fine for trespass mentioned in the law, i.e. seven is the largest fine for trespass in 'cain'-law, and one 'cumhal' is the smallest. Or if there should be 'smacht'-fine for trespass in 'urradhus'-law, it should be according to the nature of the 'cumhal.'"

[2] *By him.*—He must leave them to the next abbot.

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gabail doib dfine grin; no is a rudruḋ do chuaiḋ doib hí cein bes damna araiḋ dib; is a gabail don fine as nesom doib ineoch dada damna araiḋ .i. comaḋ fine erluma; ocus trebuire tar cenn fine erluma, cach uair bias damna araiḋ do fine grin, im a haisig doib.

Acht nad sui for culud cu fa deoiġ ria ndeoruid de.

.i. aċtaigim no ta aċt lium ann co na himpatur hí for culud dfine erluma cen trebuire no co ndech fa deoig re ndeoruiḋ de; uair is tairce ragus in ardaine dfine erluma cen trebuire ina do deoruiġ de for trebuire; ocus is tairce ragus do na finib eile hí for trebuire na dfine erluma cen trebuire; ocus tairce ragus dfine erloma for trebuire inas do na finib eile for trebuire.

Cell manuch.

.i. cell manach gabuit fine manoch, ocus is la manchu ardaine do gres cein bes damna araiḋ dib; ocus gaċ uair na bia, is amuil fonaiscit fine griain romuind a fine erloma a fonaidm dfine griain for annoit.

O'D. 554. Ni cuirithur cuaird for gablu [fine man tabraiḋ Dia do neoċ dib in tsainradach, aċt is iar feaba do goathair ocus do gairter.]

.i. noco cuirter cae uird in cranncuir for in fine gabluithur o bias adbur is ferr ina ceile ann, .i. deide ar na cuirter in cuairt, ma la haon gabur, no muna be damna naraiḋ cid coitcinn doib, deige dana aru cuirter, coitcennus ocus comadbur.

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[1] *A 'cill'-church of monks.*—The 'manach,' or monk, so often mentioned in these laws, seems to have been a tenant of church land.

[2] Unless *God has given it.*—C. 835, reads "mana taibre Dia .i. tre ċocran, unless God has given it, that is, by lot."

belongs) have the word of the patron saint for taking it (*the 'cill'-church*); or it came to them by prescription as long as there shall be of them a person fit to be an abbot, *and when there is not*, it (*the abbacy*) is to be assumed by the tribe that is next to them, which has a person fit to be an abbot, i.e. the tribe of a patron saint; and on the part of the tribe of the patron saint security *is given* that whenever there shall be a person fit to be an abbot of the tribe to which the land belongs, they will restore it (*the abbacy*) to them.

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But *in case of the tribe of the patron saint not giving security* it does not return back until it comes finally to the pilgrim.

That is, I stipulate or I make a condition here that it shall not return back to the tribe of the patron saint without security until it goes finally to the pilgrim; for the abbacy shall sooner pass to the tribe of the patron saint without security than to the pilgrim with security; and it shall sooner pass to the other tribes upon *their giving* security than to the tribe of the patron saint without security; but it shall sooner pass to the tribe of the patron saint on *their giving* security, than to the other tribes on *their giving* security.

A 'cill'-church of monks.[1]

That is, a 'cill'-church of monks which a tribe of monks hold, and the abbacy shall always belong to the monks as long as there shall be a person of them fit to be an abbot; and whenever there will not be *such*, the case is similar to that before mentioned, *i.e.* of the tribe to whom the land belongs, binding the tribe of the patron saint by a guaranty to the tribe to whom the land belongs, upon the 'annoit'-church.

The succession shall not devolve upon the branches of the tribe unless God has given[2] it to one *of them* in particular, but he (*the candidate*) shall be rejected and named according to his dignity.

That is, the order of the succession by lot shall not devolve upon the branching tribes when there is a person better than the others, i.e. there are two reasons why the succession does not devolve *upon the branches*, if it be assumed by one, or unless there be a person fit to be an abbot in common among them, there are two reasons why it (*the lot*) is cast—commonness *of claim* and equality of persons fit for the office.[a]

[a] Ir. *equal material.*

[The last book of the 'Senchus Mór' as preserved in H. 3, 17, ends here, at col. 254, after which three cols. of the MS. are left blank, on which it was apparently intended to transcribe the remainder of the work. This part of the 'Senchus Mór' is perhaps irrecoverably lost. From a brief Gloss most probably belonging to this lost portion of it, and preserved in H. 3, 18, p. 382 (C. 835), it would appear that it treated of fines for stealing or taking by force any kind of property from a church or its termon lands.]

lebar aicle.

THE BOOK OF AICILL.

lebar aicle.

THE BOOK OF AICILL.

C. 893. Loc don liubur ro Aicill ar aice Temair, ocus aimser do aimsir Coirpri Lifechair, ṁic Cormaic, ocus persa do Cormac [budein], ocus tucait a dénma

C. 893. caechad [fula] Cormaic do Aengus Gabuaidech, iar fuatach ingine Sorair, mic Art Cuirp, do Ċellach, mac Ċormaic. Airi echta in tAengus Gabuaidech, ac dígail greisi cenuil a tuathaib Luigne, ocus do ċuaid a teċ mná and ocus at ib loim ar eicin and; ocus ro ba chora dait, ar in ben, ingen do brathar do dígail ar Cellach mac Cormaic na mo biadsa ar eicin do caitheam; ocus ni ruimenn lebur olc do denam fris in mnai; acht do ċuaid reime do indsaigid na Temraċ ocus iar fuineḋ ngreine ro siacht co Temraig. Ocus geis do Temraig airm laich do breith indte iar fuined ngreine, aċt na hairm do

C. 893. ecmaitís indte [budein]. Ocus ro gab Aengus in crimall Cormaic anuas da healċaing, ocus tuc buille di a Cellaċ mac Cormaic, cor marbustar he; cor ben a heochair dar suil Cormaic co ro

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[1] *Aicill.* The old name of the hill of Skreen near Tara in the county of Meath.

[2] *Temhair.* Now the hill of Tara in Meath, for the history of which see *Petrie's Antiquities of Tara Hill, Transactions of the Royal Irish Academy, vol.* 18.

[3] *Coirpre Lifechair.* He was the son of King Cormac and his successor on the throne of Ireland.

[4] *Aengus Gabhuaidech.* He is sometimes called Aengus Gai-Buaifech, as in C. 893, i.e. of the poisoned spear.

THE BOOK OF AICILL.

INTRODUCTION.

THE place of this book is Aicill,[1] close to Temhair,[2] and its time is the time of Coirpri[3] Lifechair son of Cormac, and its author is Cormac, and the cause of its having been composed was the blinding of the eye of Cormac by Aengus Gabhuaidech,[4] after the abduction of the daughter of Sorar, son of Art Corb, by Cellach son of Cormac. This Aengus Gabhuaidech was a champion[5] who was avenging a family quarrel in the territories of Luighne,[6] and he went into a woman's house there and drank milk in it by force; and the woman said "it were better for thee to avenge the daughter of thy kinsman upon Cellach son of Cormac than to consume my food by force;" and no book mentions that he did *any further* injury to the woman; but he went forward towards Temhair and reached Temhair after sunset. And it was a prohibited thing at Temhair to bring a hero's arms into it after sunset; *so no arms could be there* except the arms which happened *to be* within itself. And Aengus took the ornamented spear of Cormac down from its rack, and gave Cellach son of Cormac a blow of it, and killed him; and its edge grazed one of Cor-

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[5] *Champion.* This class of champions formed one of the seven grades of a territory, among whose duties it was to avenge family quarrels and insults.

[6] *Luighne.* This means the territory of Luighne, now Leyny in the county of Sligo.

THE BOOK OF AICILL.

leṫ ċaech hé; ocus ro ben a hurlunn a ndruim rechtaire na Temrach aca tarraing a Cellaċ, co ro marbustar he. Ocus ba geis rig co nainim do biṫ a Temraig. Ocus ro cuired Cormac amaċ dá leiges co Aicill ar aici Temair; ocus ro ciṫea Temair a h-Aicill ocus ní faicṫea Aicill a Temair. Ocus tucad rigi nErenn do Coirpri Lifechair mac Cormaic; [ocus gaċ aincess breithemnais ticed cuigid do teiged da iarfaiḋe da athair; conaḋ ed a deireḋ a athair fris, a mic ara feiser, ocus na blai]. C. 895.

Ocus is ann sin do rigned in lebar so; ocus is e is cuit do Cormac and, cach bail ata bla, ocus a ṁeic ara feiser; ocus iseḋ is cuit do Cindfaelaḋ caċ ni o tha sin amaċ.

Aicill sin, uch oll do rigne Aicell, ingen Cairpri, ann a caineḋ Eirc mic Cairpri, a derbrathar; ocus deismireċt air sin:

Ingen Cairpri do roċair
Is do Feidleim noċroṫaig,
Do ċumaig Eirc, aebda in raind,
Gaeṫ i ndígail Conculainn.

No, Aicell, ben Eirc mic Cairpri ba marb do cumaid a fir and ar na marbaḋ do Conall Cernach; ocus deismireċt air:

Conall Cernach tuc ceann Eirc
Re taeb Temraċ im traṫ teirt;

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[1] *Cuchulainn.* He was one of the heroes of the Craebhruadh or Red Branch, in Ulster, in the first century of the Christian era. This verse is quoted from the Dinn Senchus of Aichill.

mac's eyes and destroyed it;[a] and in drawing it back out of Cellach its handle struck the chief of the king's household of Temhair in the back and killed him. And it was a prohibited thing that one with a blemish should be king at Temhair. And Cormac was *therefore* sent out to be cured to Aicill close to Temhair; and Temhair could be seen from Aicill, but Aicill could not be seen from Temhair. And the sovereignty of Erinn was given to Coirpri Lifechair, son of Cormac; and in every difficult case of judgment that came to him he used to go to ask his father about it; and his father used to say to him "My son that thou mayest know," and *explain to him* "the exemptions."

[a] Ir. *He became blind of an eye.*

And it was there (*at Aicill*) this book was composed; and Cormac's part of it is wherever occur *the words* "exemption," and "my son that thou mayest know;" and Cennfaeladh's part is everything from that out.

This Aicill is *derived from* "uch oll," i.e. great lamentation, which Aicell, daughter of Coirpre made there in lamenting her brother Erc, son of Coirpre; as these lines show[a]:—

[a] Ir. *A proof thereof.*

The daughter of Coirpre died,
And of the fair formed Feidleim,
Through grief for Erc, celebrated in verse,
Who had been slain in revenge for Cuchulainn.[1]

Or *it was* Aicell, the wife of Erc, son of Coirpre, who died of grief for her husband there after he had been killed by Conall Cernach,[2] as these lines show[a]:—

[a] Ir. *A proof thereof.*

Conall Cernach brought Erc's head
By the side of Temhair at the third hour;

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[2] *Conall Cernach,* i.e. Conall the Victorious; he was the chief of the warriors of the Red Branch early in the first century.

Is truaġ in gním do deċaiḋ de,
Briseḋ criḋi uair Aicle!

Ma ro baí ardarc dliged ann, is i eiric tucad ann sin; acht ma ro bí saerrath ar Maig Breg C. 894. [reime] amuil do beirthea saerrath don leiṫ ocus daerrath don leṫ aile, im a leṫ a saer aicillneċt ocus in leṫ aile i ndaer aicillne.

Mana raibe saerrath orra itir, is i eiric tucad ann sin aṁuil do biad a saerrath do leiṫ ocus daerraṫ don leiṫ aile, im a leth a saeraicillne ocus in leṫ aile i ndaer aicillnecht.

C. 895. Mana na roibe ardarc dliġeḋ ann [itir], is cert cáich aṁuil a nert. Ocus do facatur sum in ferann ocus do ċuatar bu des. Ba iat Déisi Puirt Laegaire, no Puirt Lairgi iat ó sin a le.

A loc ocus a aimser iar Cormac co nici sin. Mad iar Cindfaelaḋ immurro, loc do Daire Lupáin, ocus aimser do aimser Domnaill, mic Aeḋa, mic C. 896. Ainmireċ; ocus persa do Cindfaelaḋ [mac Oilella], ocus tucait a denma a inċind dermait do buain a cind Cindfaelaiḋ iar na scoltad a caṫ Maige raith.

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[1] *Magh Breagh.* A large plain situate in the east of ancient Meath.

[2] *The South.* They (i.e. some of the inhabitants of Magh Breagh) went to Leinster, but ultimately settled in Munster, and the king thereof being then at war with king Cormac afforded them protection and gave them lands situated between Lismore and Credan head, to which they transferred the name of Deisi. The barony of Deece, near Tara in Meath, marks their original situation. *Vide* Keating's History of Ireland; and Ogygia, Part III., cap. 69.

Pity the deed that happened by it,
The breaking of Aicell's proud heart.

If good law had existed the 'eric'-fine that was paid for this would have been[a] *as follows;* if there had been 'saer'-stock tenancy in Magh Breagh[1] before this time, in such a manner that one half was in 'saer'-stock tenancy and the other half in 'daer'-stock tenancy, the half in 'saer'-stock tenancy should have become as the half in 'daer'-stock tenancy.

[a] Ir. *Is.*

If 'saer'-stock tenancy did not exist there at all the 'eric'-fine that was paid in that case *should have operated* as if one half had been *originally* in 'saer'-stock tenancy and the other half in 'daer'-stock tenancy, for one half *would have remained* in 'saer'-stock tenancy and the other half *should have been reduced* to 'daer'-stock tenancy.

If good law did not exist at all, *then it was* "the right of each is according to his strength." And they left the land and went to the South.[2] They have been the Deisi of Port Laeghaire or Port Lairge ever since.

These are the place and time of it (*the book*) as far as regards Cormac. But as regards Cunnfaeladh, its place is Daire-lurain,[3] and its time was the time of Domhnall[4] son of Aedh son of Ainmire; and its author[a] was Cennfaeladh son of Oilell, and the cause of its being composed was, that part of his brain[b] was taken out of Cennfaeladh's head after it had been split in the battle of Magh-rath.

[a] Ir. *Person.*

[b] Ir. *Brain of forgetfulness.*

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[3] *Daire-lurain.* Now Derryloran in Tyrone.

[4] *Domhnall.* He was monarch of Ireland in 642 A.D., and fought the battle of Magh Rath (*Moira*) in that year against Congal Claen, king of Uladh, his foster son. *Vide* the Battle of Magh Rath, edited for the Irish Archæological Society by Dr. O'Donovan in 1842.

Teora buada in catha sin: maidm ar Congal Claen ina anfír re Domnall ina firinde, ocus Suibne Geilt do dult ar geltaċt, ocus a incinn dermait do buain a cind Cindfaelaid.

Ocus noca neḋa sin is buaid ann Suibni do dul ar geltaċt, aċt ar facaib do scelaib ocus do laiḋib dia eis i nEirind. Ocus noca neḋ is buaiḋ a inċind dermait do buain a cinn Cinnfaelaiḋ, aċt aneoċ ro facaib da degsairi lebarda dara heis i nEirind. Co rucaḋ hé da leiges co tech Bricini Tuama Drecain
C. 896. [a comrac na tri sraided, idir tigib na tri suad]. Ocus tri scola do bi is in baile: scol léiġind, scol feineċais, ocus scol filideċta. Ocus caċ ni do cluinedsum da inistiri na tri scol caca lae, do bi do glan mebru caċa naiḋċe; ocus do ċuirsium glonsnaiṫi filiḋeċta fuiṫib, ocus do scribsum iat a lecaib ocus i tuiblib, ocus ro cuir seic a cairtliubair.

Bunud ocus inde ocus airbert condagar don focul is eitged. Bunad do aeti in Ebra, et a Gréic, etciamlicet a bunud Laitne; deimin dilmain a gaedelg
C. 897. [do gabar.]

A bun iar slaintiġi sin is na ceiṫri prím bérlaib, a Gréic, in Ebra, i Laitin ocus a Gaedilg; ocus

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[1] *Falsehood.* For 'anfír,' C. 896, reads 'gae.'

[2] *Suibhne Gelt.* That is, Sweeny the Lunatic.

[3] *Tuam Drecain.* Now Toomregan in the county Cavan.

[4] *Paper-book.* For 'cairt liubair,' C. 896, reads 'cailclibair,' a chalk book.

[5] '*Eitged.*' The Book of Aicill, the joint work of King Cormac and Cennfaeladh, was called "Bretha Eitged," i.e. judgments of 'Eitged' or "Leabhar na nEitged," i.e. the Book of the 'Eitgeds.' The derivations of the word 'Eitged' given in the text do not appear susceptible of any probable explana-

Three were the reasons of that battle being celebrated :—the defeat of Congal Claen in his falsehood[1] by Domhnall in his truth, and Suibhne Gelt[2] having become mad, and part of his brain[a] having been taken from Cennfaeladh's head.

[a] Ir. *Brain of forgetfulness.*

And Suibhne Gelt's having become mad is not a reason why it (*the battle*) is celebrated, but *it is* because of the *number of* stories and poems he left after him in Erin. And *the fact that* part of his brain[a] was taken from Cennfaeladh's head is not a reason why the battle is celebrated, but *the reason is* the number of well-composed books which he left after him in Erin. And he (*Cennfaeladh*) was brought to be cured to the house of Bricin of Tuam Drecain[3] at the meeting of the three streets, between the houses of the three professors. And there were three schools in the town :—a school of literature, a school of law, and a school of poetry. And whatever he used to hear rehearsed in the three schools every day, he had by heart every night; and he put a fine thread of poetry about them, and wrote them on slates and tablets, and transcribed them into a paper book.[4]

The root, meaning, and import of the word 'Eitged'[5] are sought for. Its root is 'aeti' in Hebrew, 'et' in Greek, 'etiamlicet' is its Latin root; it means 'deimin dilmain,' *i.e.* certain freedom, in Irish.

Its root when taken in its good sense of exemption is found in the four principal languages, in Greek, in Hebrew, in Latin, and in Irish; but when taken

tion. It appears to mean anything contrary to what is usual, *contra normam solitam,* which includes the idea of exemption, excess, criminality; *ἀνομία.* A distinguished Sanscrit scholar has suggested the Sanscrit, "ati gati," "going over," "transgression," as having possibly some connection with the term.

nocon agabar iar cintaigi aċt in dá mbérlaib namá, i Laitin ocus i nGaedilg; uair cinno, éillnim, laisin Laitneoir, ocus eitged cin laisin nGaedilgid.

C. 897. [A indṫaithmec a hinde in focail is eitged .i. eitged é ro teiged in tan is tre comraite; no eitged é na teiged in tan is tre anḟot; no eitged .i. é gu na ṫacuḋ aice in tan na hicad ní ocus ro hicṫa ní ris; no eitged .i. é gan a tacuḋ aice in tan ro icad ní ocus ni hicṫa ní ris; no eitged, et toiṫid, toiṫid et, ailbín uaḋ isin cinaid. No eitged .i. et foiċid, foiċid fri foithid, buille a nadaig buille. No etged .i. et etail ocus ged gaeth, conair iars a fagbaid gaith etail a hairbert feichemnais ocus breithemnais in libuirsi sis.

C. 898. A bunad sin ocus a indṫaithmeċ.]

C. 898. A airbert .i. a eirert fir ani naċ [follus .i.] scoṫ is in focal [budein], co fagabar and tre na tur, amuil ata eitged cin, ocus eitged slan.

C 900. [Da fodail deg eitged] aithfegtar and .i. eitged ria neitged, ocus eitgead iar neitged, ocus eitged na neitged, ocus eitged molbtaiḋe, ocus eitged mbriaṫur, ocus eitged gnéiṫeach, ocus eitged brec ocus eitged find, ocus eitged dub.

Eitged ria neitged, cin ria cin, aṁuil do rigne in taingel solus tairgedach Lucifer: "beitid aingil neiṁi ísum; ní ba rig nech uasum."

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[1] *Twelve.* Only nine divisions are given in the text here.

in its sense of criminality, its root is found but in two languages only, Latin and Irish; for 'cinno' is, I corrupt with the Latinist and 'eitged' is crime in Irish.

The analysis of the word 'etged' from its meaning, i.e. it is an 'eitged' which goes, when it is through design; or it is an 'eitged' which does not go, when it is through inadvertence; or it is an 'eitged' with a return when he pays nothing and something is paid to him; or it is an 'eitged' without a return to him when he pays something and nothing is paid to him; or 'eitged' *i.e.* 'et-toichid,' suing the flock, *i.e.* the 'et,' the flock, is got from him for the crime. Or 'etged' *i.e.* 'et-foichid,' offence for offence, *i.e.* blow against blow. Or 'etged' from 'et,' profit, and 'ged,' wise, a way by which wise men obtain profit by pleading and giving judgment according to this book following.

Such is its origin and its analysis.

Its import, i.e. its true meaning, *i.e.* that which is not obvious in the word itself, can be found in it through investigation, as 'eitged' *which means* criminal, and 'eitged' *which means* exempt.

There are twelve[1] kinds of 'eitged' considered, as 'eitged' before 'eitged,' and 'eitged' after 'eitged,' and 'eitged' of 'eitgeds,' and praiseworthy 'eitged,' and 'eitged' of words, and 'eitged' of face, and speckled 'eitged,' and white 'eitged,' and black 'eitged.'

'Eitged' before 'eitged,' i.e., crime before crime, such as the light-bearing angel Lucifer committed *when he said* "the angels of heaven shall be under me; no one shall be king over me."

Eitged iar neitged, cin iar cin, amuil do rine Eua toraḋ in ċrainn urgarṫa do caiṫeam.

C. 900. Eitged na neitged, [cin na cinad], aṁuil do rigne in cet duine Adam comcetfaduġaḋ do lécud friu.

Eitged molbtaiḋe, cin do denam do neoch ar a folaid badein ria folaid neich aile.

Eitged mbriathar, braṫ ocus air ocus lesainm.

Eitged gneṫech, gnímach coemtecht ocus seilcecht.

C. 900. Eitged brec, tre focal fócra, [gromfa gromfa, glamfa glamfa, aerfa aerfa .i. gromfa immon nglas gabail; glamfa iman nglaim ndigend; aerfa im an lan air].

Eitged find, find in molta.

Eitged dub, dub na haire.

C. 899. Cuin is aenda [.i. in comraiti]? .i. fis a aenur.

Cuin is deda? .i. [fis .i. in comraiti] ocus anfis. Cuin is treḋa? [.i. coirde .i. ó cride, ore .i. o gin, opere .i. o gnim].

C. 899. [Cuin is cetharḋa? Cetharḋa foloing imarbas; aslaċ, ocus toltnugaḋ, slatratu, ocus urcoimded. Aslach on nathair for Eua, ocus toltonug do Eua fria, ocus comcetfaduḋ do Adam friu. Slatratu, urcoimded .i. urcoimded slatrat do denam doib; a

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[1] *Them.* That is, the angel Lucifer and Eve.

'Eitged' after 'eitged,' *i.e.* crime after crime, such as Eve committed by eating the fruit of the forbidden tree.

'Eitged' of 'eitgeds,' *i.e.* crime of crimes, such as the first man Adam committed by giving consent to them.[1]

Praiseworthy 'eitged,' *i.e.* the injury which one commits on his own property rather than on the property of another.

'Eitged' of words, *i.e.*, spying and satirizing and nicknaming.

'Eitged' of face, *i.e.* in aiding in the deed and looking on.

Speckled 'eitged,' *i.e.*, *in* three words of warning, I will 'grom'-satirize, I will 'grom'-satirize, I will 'glam'-satirize, I will 'glam'-satirize, I will 'aer'-satirize, I will 'aer'-satirize; I will 'grom'-satirize in the *satire called* 'glasgabhail,' I will 'glam'-satirize in the extempore lampoon, and I will 'aer'-satirize in the full satire.

White 'eitged,' *i.e.*, the white of flattery.

Black 'eitged,' *i.e.*, the blackness of satire.

When is it simple, that is, intention? i.e. *when there is* knowledge only.

When is it double? *When there is* knowledge, i.e. intention, and ignorance.

When is it threefold? That is, *when there are* thought, and word, and deed.[a]

When is it fourfold? Four things sustain crime; temptation, consent, urging, and boldness of denial. Temptation *such as that* of Eve by the serpent and Eve's consent to it, and Adam's consent to them. Urging, boldness of denial, i.e. a bold denial is made by them, *i.e.* they say that what they had done

[a] Ir. *By heart, mouth, act.*

rad naċ cin a dernsatar, ocus fis in cinaiġ acu do denam.

Ar ar sin is follus o bias fis in cinaiġ ac duine, gin go roib fis na herce, conad anfis lan fiachach.]

Cuin is cuicte? .i. na cuic cinaid duine ni damna
C. 900. mella. [Cin coirp, cin laime, cin sula, cin beoil, cin tenga.]

Cuin is séda? .i. adrimiṫer [in sesed] cin and [riu], ċin cuibse.

Cuin isa do dec don cintach? .i. na da fodail dec eitged.

Ocht narnaile coitcenna forreṫat in teitged fode-
C. 899. glata; [.i. foglaidetu, ocus deismireċt, imcomairc, ocus ercailud .i. lanfiaċ ocus leṫ fiac, aithgin, ocus slan].

.i. na da fodail dec eitged. Deismireċt air .i.
C. 899. geogain Cuculainn a mac i nanfot [gen a sloinded do].

Imcomairc; caite blad ercaile caċ slan caċ ruidlear? .i. lan fiach is in comraiti, ocus leiṫfiach is in anfot aithgin a torba .i. is in indeiṫbire torba; slán a fírdeiṫbires, indeitbire torba.

Coitcenn ocus diles ocus ruidles condegar don focul is eitged. Coitcenn do a biṫ a cintaige ocus a sláintige, diles do a biṫ a naithgin, ruidles do a beth a sláinti.

.i. in diúit no in comsuidigṫe in focul is eitged?
C. 898. Is comsuiḋigṫi [ocus ni diut] amuil caċ comsuidiugad.

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[1] *Cuchulainn.* The story of Cuchulainn's comba with his son Conlaech is given in O'D. 983. The fine imposed on him for killing his son was paid to Conor

was not a crime, while they knew that they had committed the crime.

From this it is evident that when a person has a knowledge of the crime, though he had not a knowledge of the 'eric'-fine, that his ignorance is fully finable.

When is it fivefold? That is, "The five crimes of man no cause of happiness." Crime of foot, crime of hand, crime of eye, crime of mouth, crime of tongue.

When is it sixfold? A sixth crime is added to the above, i.e. the crime of conscience.

When is the criminal law twelvefold? The twelve divisions of 'eitged.'

There are eight general kinds embraced in the distributed 'eitged': i.e.—division, and example, question, and explanation, i.e. full fine and half fine, restitution, and exemption.

Division, i.e. the twelve divisions of 'eitged.' An example thereof:—Cuchulainn[1] slew his son inadvertently, *i.e.* without knowing him.

Question; what is the law of safety in every case of safety and in every case of full guilt? That is, full fine for intention, half fine for inadvertence, restitution for profitable work, i.e. for unnecessary profitable work; safety in true necessity, *i.e.* in necessary profitable work.

The word 'eitged' has a common, a proper, and a peculiar application. It is common in criminality and innocency, proper in restitution, and peculiar in safety.

Is the word 'eitged' simple or compound? It is compound and not simple like every composition.

King of Ulster, his maternal uncle, because Cuchulainn had no paternal family to take the fine for a slain kinsman.

THE BOOK OF AICILL.

Fegtar in comsuidiugad o dib nogaib, no in comsuidiugaḋ o dib nanogaib, no in comsuidiugaḋ o hoiġ ocus o anoiġ?

Is comsuidiugad o díb nogaib, uair oġ do a biṫ a
C. 898. cinaiḋ, ocus oġ do a biṫ a slaintigi; [uair in et uil and iars an ní is eitsiamlicet, a bunad laidne, ocus in ged uil and iars a ni is gina, eillini fiachaiġṫi .i. iars a ni comeillnither corp ocus ainim ac denam cinad].

Gne gneach ocus cenal cenalach aithfegtchair ann, cenal ac sloinded cenal, cenal aca sloinded budein; gné ac sloinded cenail gne. Gne do gnéiṫib in eitġed in comraiti no in tanfot, no in torba no in tesba, co ngneiṫib fuiṫib seic, na da fodail dec eitged. Cenal cenalaċ, cenal in tetged co cenalib fai. Comraiti ocus anfot, torba ocus espa co ngneiṫib fuiṫib, na da fodail déc eitged, aċt is gne a leṫ ris in eitged he in comraite, is cenal a leṫ ris na da fodlaib dec.

Congabar etarguidi ocus gne ocus cenal doib amlaid sin; uair subailternum genas cenal subailterda ac aisneis do ni reime ocus do ni na degaid.

In ní naċ gne ocus nach cenal ac sloindeḋ cenal noco nuil itir he; no da mbeṫ, comad toiscidi ac sloinded do torba, cenal aca sloinded budein, gné ac sloindeḋ cenail, elguin ac sloinded comraiti. In toiscide aċt nocu cenel do na ceiṫri cenelaib he, nocu gne don da fodlaib dec eitged, aċt ainm fuirmiṫi cindteċ ar a hagaid budein.

Let it be considered whether is it compounded of two perfect *words*, or compounded of two imperfect *words*, or compounded of a perfect and an imperfect *word*.

It is compounded of two perfect words, for it is perfect for it (*the word*) to be in criminality, and it is perfect for it to be in innocency; for the 'et' which is in it is from 'etiam licet' its Latin root, and the 'ged' which is in it is from 'gina,' a defilement that should be punished, i.e. because body and soul are defiled by committing crimes.

A specific species and a generic genus are considered in it, *i.e.* genus naming genera, genus naming itself; a species naming a genus *of species* is the *specific* species. One of the species of the 'eitgedh' is the intention or inadvertence, or the profit or the idleness, with species under them, or the twelve divisions of 'eitged.' A generic genus, *i.e.* the 'eitged' is a genus with genera under it. Intention and inadvertence, profit and idleness with species under them,—the twelve divisions of 'eitged;' *i.e.* intention is a species with respect to the 'eitged,' it is a genus with respect to the twelve divisions.

There is found in this manner difference and species and genus for them; for subalternate genus is that which treats of a thing above it and of a thing below it.[a]

The thing which is not species and which is not genus naming genera does not exist at all; or if it does, it is necessity naming profit, genus naming itself, species naming genus, malice naming intention. The necessity is not a genus of the four genera, it is not a species of the twelve divisions of 'eitged,' but a name imposed determinate for itself.

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[a] Ir. *Before and after it.*

Diablad fiach ferg.

.1. is si aithne na tunataide a dénum itir comaichib, ocus corp dfolaċ; no a denum a sleib no i ndiraind, ocus cen corp dfolaċ; ocus ni hindis in ti do ni co nastar air do reir dligiḋ tuarastail, no imdenma, no fiadnaise; no co natmann re luiġi. Ocus ce ra tisaḋ in colann i claḋ, no i nuisci, manar ar daigin a folaig, noco nuil air aċt eiric in marbṫa nama.

Diablaḋ a lain budein o cach duine uile is in duinetaidi itir urraḋ, ocus deoraiḋ, ocus murċairthi, ocus daer, ocus sellach.

Masa inann duine do rine in marbaḋ ocus in folaċ, seċt cumala ocus lan eneclann fair is in folaċ; seċt cumala ocus lan eneclann fair is in marbaḋ; conub da seċt cumala ocus da eneclann sin o urraḋ is in tunataide.

Masa sain in turraḋ do riné in marbaḋ ocus in turraḋ do rine in folaċ, seċt cumala ocus lan eneclann for fer isin marbaḋ; cumal ocus lan eneclann for fer folaiġ isin folaċ, cen tarraċtain colla; ocus ma tarus colann, is eneclann nama is in folach. Is sain in duine do rine in marbaḋ ocus in folach ann sin; no cid inand duine, i saine uaire do rined iat. Ocus damad an nenfeċt, no mas don marbaḋ tainic in folaċ, noca biad uad aċt lan in marbṫa.

Masa inann sellaċ urraḋ ro bai ac seilleḋ in marbṫa ocus sellaċ urrad ro bai ac seilleḋ in folaiġ, cid sain,

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[1] '*Cumhals.*' 'Cumhal' is literally a bond-maid. The payment of a 'cumhal' originally implied the actual transfer of a bond-maid in liquidation of a claim; it

Fines are doubled by malice aforethought.[a]

Secret murder is known by its being committed among neighbours, and by the body being concealed; or by its being committed in a mountain or wild place, without the body being concealed; and the person who has committed it does not tell *it* until it has been fastened upon him according to the law of eyewitness, or proof, or evidence; or, he may acknowledge before swearing. And though he may put the body into a trench, or into water, if it was not for the purpose of concealing it (*the body*) *he did so*, he is liable to the 'eric'-fine for the killing only.

The double of his own full *honor-price is due* of each and every person whether native freeman, stranger, foreigner, 'daer'-man, or looker-on, for the crime of secret murder.

If it was the same person that committed the killing and concealed the body,[b] *a fine of* seven 'cumhals'[1] and full honor-price *is imposed* upon him for the concealing; *and a fine of* seven 'cumhals' and full honor-price *is imposed* upon him for the killing; which is twice seven 'cumhals' and double honor-price upon a native freeman for secret murder.

If it was a different native freeman that committed the killing and concealed the body,[b] *a fine of* seven 'cumhals' and full honor-price *is imposed* upon the man *who killed*, for the killing; *and a fine of* a 'cumhal' and full honor-price upon the person who concealed, for the concealing, when the body has not been found; but if the body be found, honor-price only is *the fine* for the concealing. It was a different person that committed the killing and concealed the body in this case; or though the person was the same, they (*the acts*) were committed at different times. And if it were at the same time *they were committed*, or if the concealing came of the killing, there is *imposed* upon him but full *fine* only for the killing.

If the native freeman who was looking on at the killing, and the native freeman who was looking on at the conceal-

[a] Ir. *Anger.*

[b] Ir. *The concealment.*

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subsequently came to denote the value of a bond-maid, which was estimated at three cows.

cid inand fer marbṫa ocus fer folaiġ, cethruime coirpdiri, ocus cethruime eneclainni air i seilled ceċtar de. Cen tarraċtain colla na aithgina sin; ocus ma tarṫus colann no aithgin, na ranna atait ar scaṫ colla no aithgena do dul re lar; ocus da taraisdea neċtar de, ro bud ceiṫri cumala ocus leṫ eneclann; ocus da taraistea iat maraen, ro bad tri cumala ocus leṫ eineclann.

Masa sain sellach urraḋ ro bai ac seilleḋ in marbṫa ocus sellaċ urraḋ ro bai ac seilleḋ in folaiġ, cid sain cid inund fer marbṫa ocus fer folaiġ, cethruime coirpdiri ocus cethruimi eneclainni for in sellaċ urraḋ ro baí ac seilleḋ in marbṫa. Cen taraċtain aithgena; ocus ma tarṫus aithgin, in cutruma ata ar scaṫ aithgena do dul re lar.

Cumal ocus cethruimi eneclainni for in sellaċ urraḋ ro bai ac seilleḋ in folaiġ, cen tarraċtain colla; ocus ma ṫarṫus colann, is cethruime eneclainne nama.

Is cutruma uil ar urraḋ i mbith ac seilleḋ urráiḋ, ocus deoraiḋ, ocus murċuirṫi, ocus dair; ocus ar deoraiḋ i mbiṫ ac seilleḋ urraiḋ, ocus deoraiḋ, ocus murċuirṫi, ocus dair; ocus ar murċuirṫi i mbith ac seilleḋ urraiḋ, ocus deoraiḋ, ocus murċuirṫi, ocus dair; ocus ar daer i mbiṫ ac seilleḋ urraiḋ, ocus deoraiḋ, ocus murċuirṫi, ocus daír. Uair noco fo lan fir laime icus

ing were the same, whether the person who killed and the person who concealed were different or the same, one-fourth of body-fine and one-fourth of honor-price *is the penalty* upon him for looking-on in either case. This is *the rule* when the body has not been found or compensation *obtained;* but if the body has been found or compensation *obtained*, then the portions which are *due* for *the concealing of* the body or for compensation are to fall to the ground; and if neither of them (*the body or the compensation*) was recovered, it (*the penalty*) would *then* be four 'cumhals' and half honor-price; and if both (*the body and the compensation*) were recovered, it (*the penalty*) would be three 'cumhals' and half honor-price.

If the native freeman who was looking on at the killing, and the native freeman who was looking on at the concealing were different, whether the person who killed and the person who concealed were different or the same, one-fourth of body-fine and one-fourth of honor-price *is the penalty* upon the native freeman who was looking on at the killing. *This is the case* when compensation has not been recovered; but if compensation has been obtained, the proportion which was *due* for compensation falls to the ground.

A fine of a 'cumhal' and one-fourth of honor-price *is imposed* upon the native freeman who was looking on at the concealing, when the body has not been recovered; and if the body has been recovered, it (*the fine*) is a fourth of honor-price only.

There is the same *fine imposed* upon a native freeman for being a looker-on *at the killing* of a native freeman, or of a stranger, or of a foreigner, or of a 'daer'-man; and upon a stranger for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man; and upon a foreigner for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man; and upon a 'daer'-man for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man. For it is not according to the full *fine due* of the actual killer[a] that the

[a] Ir. *Hand-man.*

sellaċ a lan, aċt ro lan a seilliḋ bodein ro aicneḋ urraiḋ, no deoraiḋ, no murċuirṫi, no dair.

O urraḋ ata sin, ocus a leṫ o deoraiḋ, ocus a cethruimi o murcuirṫi; ocus noco nuil ní o daer caċ uair tarṫus colann; ocus mana tarṫas colann itir, a folaċ urraiḋ ata in cumal; ocus a ceiṫri seċtmaḋ a folaċ deoraiḋ; dá seċtmaḋ ocus in cethruime rann dec a folaċ murċairṫi; a reċtmad nama a folaċ dair.

Mara inann daer marbṫa ocus daer folaiġ, cumal air is in marbaḋ, ocus cumal air isin folaċ. Mara sain daer marbṫa ocus daer folaiġ, cumal ar daer marbṫa isin marbaḋ, seċtmaḋ na cumaile ar daer folaiġ, cen taraċtain colla; ocus ma tarṫas colann, C. 2,351. seċtmad in seċtmaid ind, [no] co na beiṫ nach ní.

Mara inand sellaċ dair ro bai ac seilleḋ in marbṫa ocus ro bai ac seilleḋ in folaiġ, ciḋ sain, ciḋ inand daer marbṫa ocus daer folaiġṫi, da seċtmad ocus in cethruime rann dec na cumaile for in sellach, uair cen taraċtain colla na aithgena; ocus ma tarṫus colann, no aithgin, seċtmad ocus in cethruime rann dec na cumaile uad i seilleḋ ceċtar de; ocus da tarairtea neċtar de, ro bad ceiṫri seċtmaid na cumaile; ocus dá tarairtea iat mar aen, ro bad tri seċtmaid na cumaile.

looker-on pays his full *fine*, but according to the full *fine* for his own looking on according to rank, *whether it be that* of a native freeman, or of a stranger, or of a foreigner, or of a 'daer'-man.

From a native freeman this *amount* is *due*, and the half of it from a stranger, and the fourth of it from a foreigner; but there is nothing *due* from a 'daer'-man whenever the body has been recovered; but if the body be not recovered at all, it is for the concealing of *the body of* a native freeman *the fine of* a 'cumhal' is *due;* and four-sevenths of it (*the 'cumhal'-fine*) for the concealing of *the body of* a stranger; *it is* two-sevenths and one-fourteenth (*of the same*) for the concealing of *the body of* a foreigner; a seventh only for the concealing of *the body of* a 'daer'-man.

If the 'daer'-man who killed and the 'daer'-man who concealed be the same, *the fine of* a 'cumhal' for the killing, and a 'cumhal' for the concealing is *imposed* upon him. If the 'daer'-man who killed and the 'daer'-man who concealed be different, a 'cumhal' *is the fine* upon the 'daer'-man who kills, for the killing, and the seventh of a 'cumhal' upon the 'daer'-man who conceals, *for the concealing*, if the body has not been recovered; but if the body has been recovered, a seventh of the seventh *of a 'cumhal' is the fine* for it (*the concealing*); or, *according to others*, there is nothing (*no penalty for it*).

If the 'daer'-man who was looking on at the killing, and he who was looking on at the concealing *of the body*, were one and the same, whether the 'daer'-man who killed and the 'daer'-man who concealed be the same or not, two-sevenths and one-fourteenth of the 'cumhal' *is the fine* upon the looker-on, when the body has not been recovered or compensation has not been obtained; but if the body has been recovered or compensation has been obtained, a seventh and a fourteenth of the 'cumhal' *is the fine* upon him (*the 'daer'-man*) for looking on in either case; and if neither of them (*the body or compensation*) be recovered, it (*the fine*) *then* is four-sevenths of the 'cumhal'; and if both be recovered, it (*the fine*) is three-sevenths of the 'cumhal.'

Mara sain sellaċ dair ro bai ac seilleḋ in marḃṫa ocus sellaċ dair ro bai ac seilleḋ in folaiġ, cid sain, cid inand daer marḃṫa ocus daer folaiġ, da seċtmad ocus in cethruime rann dec na cumaile for in sellaċ ndair ro bi ac seilleḋ in marbad. Cen taraċtain aithgena [sin]; ocus ma taraid aithgin, seċtmad ocus in cethruime rann dec na cumaile. Da seċtmad, ocus cethruime rann dec seċtmad na cumaile for in sellaċ ndair ro bi ac seilleḋ in folaiġ, cen taraċtain colla, ocus má tartus, cethruime seċtmaḋ, ocus in cethruime rann dec seċtmad in seċtmaid; no comad slan.

C. 2,351. O daer urraiḋ ata sin [isin bfolaċ]; a ceiṫri seċtmaiḋ ó daer deoraiḋ; da seċtmaḋ ocus in ceṫruime rann dec o daer murcurṫa; ocus seċtmad in seċtmaid o daer dair.

Canas a ngabar seċtmad in seċtmaid ata o daer dair
C. 2,351. isin folaċ, uair naċ indisenn leabar? Is as [aṁ]
C. 2,351. gabar; [uair], seċt cumala ata o urraḋ [and], ocus is e
C. 2,351. a seċtmad [side, in cumal] ata o daer urraiḋ, cóir aṁ
C. 2,351. deisideic in cumal ata [for] daer urraiḋ isin folaċ
cémud he seċtmad na cumaile do beṫ o daer dair isin folaċ; ocus is e sin seċtmad in seċtmaid.

In duine fuair in colann ina folaċ, aċt má ro innis, is fiach faisneisin do, no cuitiġ friṫi. Manas innis, is fiach seillid uaḋ; no comaḋ fiaċ cubus braith.

C. 2,352. Má ro ferad cneḋ ar in colainn [isin folac], iar nécaib, in tainmrainde do coirdiri ocus deneclainn

If the 'daer'-man who was looking on at the killing and the 'daer'-man who was looking on at the concealing were different, whether the 'daer'-man who killed, and the 'daer'-man who concealed were different or the same, two-sevenths and one-fourteenth of the 'cumhal' *is the fine* upon the 'daer'-man who was looking on at the killing. This is when compensation has not been obtained; but if compensation has been obtained, *the fine is* one-seventh and one-fourteenth of the 'cumhal.' Two-sevenths and a fourteenth of a seventh of the 'cumhal' *is the fine* upon the 'daer'-man who was looking on at the concealing, when the body has not been recovered; and if it has been recovered, a fourth of a seventh and a fourteenth of a seventh of a seventh of a 'cumhal' *is the fine;* or, *some say*, that *in this case* he will be exempt from punishment.[a]

This is *the fine due* from the 'daer'-man of a native freeman for the concealing; four-sevenths of it *are due* from the 'daer'-man of a stranger; two-sevenths and one-fourteenth from the 'daer'-man of a foreigner; and a seventh of the seventh from the 'daer'-man of a 'daer'-man.

How is it found out that it is a seventh of the seventh *of a 'cumhal'* which is *the fine* upon the 'daer'-man of a 'daer'-man for the concealing *of the body*, as no book mentions it? It is thus inferred: because seven 'cumhals' are *the fine* upon a native freeman for it (*the concealing of the body*), and a seventh of this, *i.e.*, one 'cumhal' is *the fine for the concealing* upon the 'daer'-man of a native freeman, it is fair that it is the seventh of the 'cumhal' which is *the fine* upon the 'daer'-man of a native freeman for concealing, that should be *the fine* upon the 'daer'-man of a 'daer'-man for the concealing; and this is a seventh of the seventh.

As to the person who found the body in its *place of* concealment, if he has told it *at once*, the reward for information, or the share of a finder is *due* to him. If he has not told it (*the finding*), the fine of a looker-on is *due* of him; or, *according to others*, it is the fine for complicity in crime *that is due of him.*

If a wound has been inflicted on the body, in the *act of* concealing, after death, the proportion of body-fine and of

[a] Ir. *Free.*

ro biad do budein a ferṫain cneidi a comaicenta air ina bethaid, corab e in tainmrainde sin bes don aithgin da eclais bunaiḋ .i. uair is le in coland.

C. 1,390. A meic ara feiser cenn rig for aitheċ, [cenn aithig for rig].

.i. is and is cend rig for aitheċ, in inbaid ro foglaim mac in graid feine curub grad reċta he, curub espoc, no cura fer leigind, co fuilit seċt cumala peinde do, ocus seċt cumala eirci.

Is and is cend aithiġ for riġ, in inbaid tucad a roga eneclainni do mac in riġ a dualgus a ṫochus, no eneclann a dualgus a athar ocus a senathar, ocus is e roġa ruc, eneclann do a dualgus a ṫochusa; ocus do ċuaid freis-crith ina tochus, co na fuil aici aċt rigi na tri larg; larg a suirti, ocus larg a bela, ocus larg a fidba. Noco nuil aċt screpall a hindracais do mára indraic; ocus manab indraic, noca nuil naċ ní mani tancatar tiarmoraigiṫ ċloindi and iartain do neoch na roibi ann reime a lo breiṫi in roga; ocus ma do ancatar, biaid eneclann do as a dualgus.

Mas e roġa ruc eneclann a dualgus a coibdelachais, ge etarscarais in coibdelach ris, leiṫ eneclann as in fer tarṫus aici do, uair noco netarscarand in coibdelach ris do gres.

Mas e roġa ruc eneclann a dualgus a ċind, ma ro scarustar in cenn ris do gres, nocon uil ní do as a dualgus.

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[1] *Upon a king.* The paragraph refers to cases in which the status of one a plebeian by birth is that of a prince, and the status of one a prince by birth is that of a mere plebeian. The word head here is used exactly as is the Latin 'caput.'

honor-price which would be due to himself (*the person killed*), for the inflicting upon him of a wound of the same nature in his lifetime, is the proportion of compensation that is due to his original church, i.e. because the body belongs to it.

My son, that thou mayest know *when* the head of a king is upon a plebeian, *and* the head of a plebeian upon a king.[1]

That is, the case in which the head of a king is upon a plebeian, is when a son of *a man of* the plebeian grade has learned until he becomes *one* of a septenary grade,[2] i.e., till he becomes a bishop, or a chief professor,[a] so that he is entitled to a fine of seven 'cumhals' of penance, and seven 'cumhals' of 'eric'-fine.

[a] Ir. *Man of learning.*

The case in which the head of a plebeian is upon a king, is when he (*on his father's murder*) having been given his choice of taking honor-price in right of property, or honor-price in right of his father and his grandfather, made choice of honor-price in right of his property; and decay came upon his property, so that he has but the kingship of the three handles—the handle of his flail, the handle of his hatchet, and the handle of his wood-axe. He is *in such case* entitled to but one 'screpall'[3] for his worthiness if he be worthy; and if he be not worthy, he is entitled to nothing unless children have been born to him afterwards which he had not before on the day of making his choice; and if they have *been born,* he has honor-price in right of them.

If the choice he made was to have honor-price in right of his relatives, though the relative should separate from him, he has half honor-price for the man found with him, for the relative does not separate from him for ever.

If the choice he made was to have honor-price in right of his chief, *then* if the chief has parted with him permanently, he has nothing in right of him (*the chief*).

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[2] *A septenary grade.* Any grade or degree entitling a person to seven 'cumhals' of 'eric'-fine and to seven 'cumhals' of penance.

[3] '*Screpall.*' A 'screpall' was equal to three 'pingims,' and a 'pingim' of silver weighed eight grains of wheat.

Mara etarscarad re re, [do dul hi] cuiced aile, a fegad ca toċur uil aici. Mara toċur etarscartach uil aici, in cutruma ro biad do cona mbeṫ i naen cuiced ris; is a leṫ do co na beth a seċtar cuiced.

Mara toċur nemetarscartach uil aici, in cutruma ro biad do co na beṫ i naen cuiced ris, is a beith do a seċtar cuiced.

C. 2,423. [Sena iar naititiu] leithfiach la dindis a sodain,
C. 2,424. [gi ní dernatar itir.

.i. in fiaċ uil don dara leiṫ re dire ocus re eneclann a ngaid lui, an cumal a cain, no an aiṫgin a nurradus, gur ab eḋ bes re taoḃ luiḋe is in niaḋi sin, gin go ndernatar in cin, aċt an maiḋeam amain; uair aititiuġaḋ mbreiṫir uil ann.

Is e tiaċtain itir in da dligid so, .i. maiḋem iar ndénam cina bis ré, ocus más eisinnraic do gne, is fir de uaiḋe, ocus aiṫgin ocus cumal smaċta for neċ senaṫar iar naititiuġaḋ; ocus smaċt beiṫ gin teist, bó no cumal; ocus an cumal is ar ceṫraime seċt cumal ata.

Ní bi sena iar naititi, aċt manab innraici fa di no fa tri a sena oldas a aititiu .i. é féin co luċt a leiṫ arra no leiṫ fíra; no é féin co luċt a ḋá leiṫ fir; no e fein ocus luċt anfira ocus aiṫgin].

Mára gnim aithgena ro maid in duine, i nurradus, aithgin uad ann; ocus fír co na derna do discor dire ocus eneclann de.

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[1] 'Teist'-evidence. That is trustworthy witnesses.

If it be a separation (*from the chief*) for a time, in order to go into another province, let it be seen what *sort of* property he has. If it be separable property he has, whatever proportion of honor-price he would have by being in the same province with him (*the chief*), it is the one-half of it he would have by being in an extern province.

If it be inseparable property he has, the proportion *of honor-price* which he would have by being in the same province with him (*the chief*), he shall have in an extern province.

Denial after acknowledgment; half fine with oath is incurred[a] for this, although it (*the crime so denied*) was not committed at all.

That is, the penalty which is in the one case with 'dire'-fine and honor-price for stealing a beast, *and which is* a 'cumhal' in 'cain'-law, and restitution in 'urradhus'-law is that which shall be *imposed* together with oath in that particular case, although the crime was only threatened, not actually committed; for it is *only* acknowledgment of word.

Coming between these two laws means this, i.e., he is boasting after committing the crime, and if it be an unworthy man who does so, the witness of God *is required* from him; and restitution and a 'cumhal' for 'smacht'-fine upon a man who denies after acknowledging; and the 'smacht'-fine for being without 'teist'-evidence[1] is a cow or a 'cumhal;' and the 'cumhal' *here* means the fourth part of seven 'cumhals.'

Let there be no denying after having acknowledged, unless it be twice or thrice more honest to deny than to acknowledge, i.e., himself with a party of half evidence or half proof; or himself with a party of his two half proofs; or himself and a party of full proof, with restitution.

That is, if it is a deed *entailing* restitution the person has boasted of, in the 'urradhus'-law, he must make restitution for it; and *denial upon* oath that he did not carry it into effect frees him from 'dire'-fine and honor-price.

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[a] Ir. *Goes with.*

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C. 2,424.

Masa gnim diaithgena ro maid in duine, i nurrad̃us, let̃ e eneclainni uad [ocus fír do scur na leit̃ eneclainde aile de]. Cumal do rormacht cain risin, ocus cain boiliuchta do rormacht in cumal sin; ocus is as gabar sin: Cumal for nech senathair iar naititean, ocus noco nuil deit̃bir lui na cleit̃i im in cumail sin.

Sain in duine do rine in maidem ocus in gnim and sin; no cid inand duine, is sain uair do rigned; ocus da mud in aenfec̃t, cid bed de bos mo, eiric in maidm̃e no eiric in gnima, corab ed bes uad.

Cid air budein, cid ar nech aile ro ṫseindistar in cin, ata in eiric sin uad; ac̃t issi a deit̃bir; cach uair is air budein ro tseindistar in cin, geibid greim sin ar son a cutruma do na fiachaib, ocus fuilliud ris co roib dil in cinad and. Ocus is and geibus greim sin ar son a cutruma do na fiachaib in tan nar deirged̃ a lam im eiric in maid[m̃]e no cor tsennestar in cin aiṙ.

Masa tuisec̃a ro deirged a lam im eiric in maidme inna ro tsennestar in cin air, noco gabann greim nac̃ ní; no dono, cach uair is air budein ro tseindistar in cin air, cid re nderach a laime cid iar nderac̃ a laime, cu ngabad greim sin ar son a c̃utruma do na fiac̃aib, ocus fuilliud ris co roib dil in cinaid and.

O duine nach gataide ocus do nac̃ bes do gres maidem ata sin, uair dochaite in gnim do denum do, uair a deiṙ. Asren aithgin fo daig a maidme. Ocus da mad gataide, no da ma duine damad bes do gres in

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[1] '*Cain Boiliuchta*,' i.e., the law that treats of cow-killing, cow-stealing, &c.

[2] *A 'cumhal', &c.* This is a quotation from some ancient law book.

If it be a deed not *entailing* restitution the person has boasted of, in the 'urradhus'-law, he is exempted from half honor-price, and *denial upon* oath removes the other half honor-price from him. The 'cain'-law adds *a fine of* a 'cumhal' to this, and it is the "Cain Boiliuchta"[1] that adds this 'cumhal;' and where this is found is "a 'cumhal'[2] upon a person who is acquitted[a] of the deed after acknowledgment *of having committed the crime*," and there is no difference of minor or major (*higher or lower rank*) respecting this 'cumhal.'

[a] Ir. *Denied of.*

In this case the man who made the boast and the man who did the deed were different; or though the person was the same it (*the deed*) was done at a different time; and if it were at the same time, whichever of the two is greater —the 'eric'-fine for the boasting, or the 'eric'-fine for the deed—it shall be *the fine* upon him.

Whether it be of himself or of another he disproved the crime, that 'eric'-fine is *imposed* upon him; but with this difference; whenever it is of himself he disproved the crime, that takes effect for its own proportion of the fines, and it (*that proportion*) shall be added to until it amounts to the payment for the crime. And the time *during which* this takes effect for its proportion of the fines is when his hand has not been emptied by paying the 'eric'-fine of the boasting until he (*the accused*) was acquitted of the crime.

If his hand had been emptied by paying the 'eric'-fine of the boasting before he was acquitted of the crime, it (*the acquittal*) avails him nothing; or, again, *according to others*, whenever it was of himself the crime was disproved, whether before the emptying of his hand or after the emptying of his hand, it takes effect for its proportion of the fines, and it (*that proportion*) shall be added to until it amounts to the payment for the crime.

This is *the payment* from a person who is not a thief and who is not always in the habit of boasting, for it is more likely that such a person committed the deed, for he says *so*. He then makes restitution because of his boasting. But if he were a thief, or if he were a person who was

maidem, etoc̆aide in gnim do denam do, ocus coir cen co beit̆ ni air, uair arimraiter mor tre feirg forrain sceo baisi buaidred.

In airet islan in gat tre hespa, islan in maidem tre espa; no dono, gé mad slan in gat tre hespa cuna bad slán in maidem̆ tre espa; uair tart̆aiter aithgin dfir na gaiti, ocus noco tart̆aiter dfir in maid̆me.

Cai deit̆bir eturru sin ocus a bail ada, ge maidid neach ní na deine, ni ba fiachach de. Duine da na gnath maidem eiside, ocus duine do nac̆ gnat̆ maidem sunn, ar is fo gnim minc̆e midigther.

Cach briuga ramatach.

.I. araill dib so sis ar a nuaisle saert̆ar iat, araill aile is a necodnaigetu, araill aile is ar a naire, araill aile is ar a mire, araill aile is ar a senordac̆t.

Na riga, ocus na graid̆ sec̆ta, ocus airc̆indig na cell, cia gabait cin co gabait faesam orro, isaer iat ar cinaid a mbid, ocus ar cinaid inbleoğan.

Na graid flat̆a, acht munar gabsat faesam orra, isaer iat ar cinaid a mbid, ocus ar cinaid inbleogan.

Ma ro gabsat faesam orro, noco saer iat ar cinaid a mbid, ocus ised ar cinaid ninbleogan. Ocus frecra do na gradaib sec̆ta sin, uair noco saer na graid flat̆a aile.

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[1] *Much is said, &c.* This is also a quotation from some ancient law book.

[2] *Is not safe.* The meaning of this passage seems to be, "in all cases in which the actual crime of theft entails no penal consequences by reason of *the* folly *of the thief*, in all such cases the boasting *of having committed the theft*, also by reason of the folly *of the boaster* entails no penal consequences; or, *according to others*, although the actual theft, by reason of *the* folly *of the thief*, entails no penal consequences, yet the boasting *of having committed the theft* is not by reason of the folly of the boaster free from penal consequences."

always in the habit of boasting, it is less likely that the deed was committed by him, and it is right that there should be no fine upon him for "much is said through aggravated anger and the folly of mental disturbance."[1]

As long as theft is safe in consequence of folly, so long is boasting through folly safe also; or, indeed, *according to others*, though theft is safe in consequence of folly, the boasting through folly is not safe;[2] for restitution is exacted from the thief, but it is not exacted from the boaster.

What is the difference between this (*the rule of half-fine*) and the case when it is said "though one should boast of a thing which he did not do he shall not be fined for it?" *The maxim applies to* a person who was in the habit of boasting and *the rule to* a person not in the habit of boasting, for it is the frequency of the act that is estimated.

Every person under obligation of hospitality[a] must have roads to his house.

That is, some of these following are exempt *from compulsory hospitality* for their nobility, some for their nonage, some for the shame of it, some for their madness, *and* some for their old age.

Kings and the septenary grades, and the 'airchinnechs' of the 'cill'-churches, whether they have or have not taken protection,[3] are exempt from the liability of *supplying* food, and from liability on account of kinsmen.

The chieftain grades, if they have not taken upon themselves protection, are exempt from the liability of *supplying* food, and from liability on account of kinsmen.

If they have taken upon themselves protection, they are not exempt from the liability of *supplying* food, but they are from liability on account of kinsmen. And that is a privilege of the septenary grades, because the other chieftain grades are not exempt.

[a] Ir. *Brewy.*

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[3] *Taken protection.* This in English would mean, "to have become vassals or placed themselves *in manu* of some one." It indicates some act by which the status was lowered. Here and elsewhere the phrase may perhaps mean that such persons have obtained protection from, or exemption from the burdens incident to their rank.

Na graid féine, munar gabrat faesam orro, isaer iat ar cinaid a mbid, ocus noco saer ar cinaid n-inbleogan. Ma ro gabrat faesam orro, noco saer iat ar cinaid a mbid, ocus noco saer ar cinaid inbleogan, ocus noco nuil ní doib ac̃t screpall a dualgus a nindracais, masa indraic, ocus mana hindraic, noco nuil nac̃ ní.

Na briugaid, ma gabait do láim in briugamlac̃ta do congbail, ac̃t munar gabrat faesam orra, isaer iat ar cinaid a mbid ocus ar cinaid inbleogan. Ma ro gabrat faesam orro, ocus noco saer iat ar cinaid a mbid na ar cinaid inbleogan; ocus noco nuil eneclann doib ac̃t mad eneclann in bo-airec̃ medonaig̃, no in bo-airec̃ is ferr; co ndenam mathusa briugad da tochus rec̃tar faesam; ocus muna dernat, noco nuil nac̃ ni ac̃t screpall a dualgus a nindracais, masa indraic, ocus munab indraic noco nuil nac̃ ní.

C. 1,390. [A meic ara feisir] cin aenfir for sluaġ, [cin sloigh
C. 2,353. for aenfir].

.i. masa targud eicne no anfesa tucastur orru do denam in marbt̃a, cia tairiter cen co tairiter aes tairce, islan cuibdesa dic dfir tairci amach ann .i. sec̃t cumala.

C. 1,588. Ma targud airi, ocus mar aen tart̃us iat, mar aen [ícait] sec̃t cumala a cuibdius, ocus icad fer tairce trian na sec̃t cumala a dualgus a tairci; ocus cutruma re aen fer don dá trian aile a dualgus a láime.

Mas eisem ro acrad (no taras) ann, ocus ni tarus iatsum, ac̃t mas a naenfec̃t ro hacrad he im fiach a

The inferior grades, if they have not taken protection upon them, are exempt from the liability of *supplying* food, but are not exempt from liability on account of kinsmen. If they have taken protection upon them, they are not exempt from the liability of *supplying* food, and they are not exempt from liability on account of kinsmen, and they are entitled to nothing but a 'screpall' in right of their worthiness, if they be worthy, and if they be not worthy, they are not entitled to anything.

The farmers, if they have undertaken to support obligatory hospitality,[a] but have not taken protection upon them, are exempt from the liability of *supplying* food and liability on account of kinsmen. If they have taken protection upon them they are not exempt from the liability of *supplying* food, nor from liability on account of kinsmen; and they have no honor-price save only the honor-price of the middle 'bo-aire'-chief, or of the best 'bo-aire'-chief; *and this* when they make good use, in hospitality,[a] of their wealth beyond the protection; and if they do not, they are entitled only to a 'screpall' in right of their worthiness if they be worthy, but if they be not worthy they are not entitled to anything.

My son, that thou mayest know *when* the crime of one man *is* upon a host, *and* the crime of a host upon one man.

That is, if one man led them (*the host*) out by force or *through their* ignorance, to commit the killing, whether those led out have been arrested or not, the man who led them out pays out his full share, i.e., *a fine of* seven 'cumhals.'

If they were led out with their consent, and if they *and the man who led them out* were arrested together, they pay conjointly *a fine of* seven 'cumhals,' and the man who led them out pays the third of the seven 'cumhals' on account of his instigation; and the proportion of one man of the other two-thirds in right of his hand.

If it is he (*the leader*) that is sued, or arrested on the occasion, and they (*the host*) are not arrested, and if he is sued

[a] Ir. *Brevyship.*

laime, ocus im fiach a tairci, no cid saine fec̃t, ma ro ac̃taiged nac̃ icfad ac̃t nectar de, icad sec̃t cum̃ala a dualgus a laime ocus a dualgus a tairce.

Masa saine fec̃t, ocus nír ac̃taig, in tan ticsium re dliged icad sec̃t cumala a dualgus a láime, ocus trian sec̃t cumala a dualgus a tairci; ocus in tan tecaitsium re dliged, icait da trian sec̃t cumala sirium i cuibdes; no sec̃t cumala o cac̃ fir co diairmit̃i in-ecuibdes, cenmot̃a in tainmrainde gabus aen trian sec̃t cumal indtib uile ocus cutruma re aen fer don da treinib aile.

Masa iatsom tarus ann, ocus ni tarus eisium, ac̃t ma ro gabsat slan dosum, no má ro ícsat [a c̃uit], in tan ticsium re dlig̃ed̃ icad sec̃t cum̃ala a dualgus a laim̃e, ocus trian sec̃t cumal a dualgus a tairce.

Munar gabsat slan dosum, no munar icsat a cuid, in tan ticsium re dliged icad sec̃t cumala re feichemain toicheda, ocus trian sec̃t cumal sirium.

Urailid dlig̃ed̃ ar in feichemain toicheda slan doibsium da cuitrium, ocus noco nurailinn dlig̃e air slan dossum da c̃uitrium. Is e fat̃ fodera sin, cin inbleogain dfir tairci cin fir tairci dacra orro, ocus noco cin inbleogain daer tairci cin fir tairci dacra orro, ac̃t cin fir comgnima c̃ena.

Na findtar cia dib do gni.

.i. inand cindti aen fir ocus cindti sochaide i nurra-

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[1] *Non-participation.* That is, in the fine, i.e. non-contribution.

[2] *Certainty.* That is, the law in the case of certain proof (or the absence of certain proof) in the case of one man, and in the case of certain proof (or the absence of certain proof, in the case of many is the same.

at the same time for the fine of *the crime of* his hand, and for the crime of his instigation, or though it should be at different times, if it was agreed that he should only pay *in* either of those *cases*, he pays *a fine of* seven 'cumhals' for *the crime of* his hand and for his instigation.

If it be at different times (*that they are respectively sued*), and there was no stipulation, when he (*the instigator*) submits to law he pays *a fine of* seven 'cumhals' on account of *the crime of* his hand; and a third of seven 'cumhals' on account of his instigation; and when they (*the persons led out*) submit to law, they shall pay two-thirds of seven 'cumhals' to him (*the instigator*) conjointly; or, seven 'cumhals' *are payable* from them severally for non-participation,[1] except the proportion which one-third of seven 'cumhals' bears to them all and the proportion of one man of the other two-thirds *which the instigator pays.*

If it is they that have been arrested, and he (*the instigator*) has not been arrested, if they have obtained an indemnity for him, or if they have paid his share, *then* when he submits to law, he pays *his proportion* of *the fine of* seven 'cumhals' on account of *the crime of* his hand, and the third of seven 'cumhals' for his instigation.

If they have not obtained an indemnity for him, or if they have not paid his share, when he submits to law he pays *a fine of* seven 'cumhals' to the plaintiff, and the one-third of seven 'cumhals' to him.

The law enforces on the plaintiff exemption to them from his share, but the law does not enforce on him (*the plaintiff*) exemption to him (*the instigator*) from their share. The reason of this is, it is the liability of a kinsman of an instigator to be sued for the crime of the instigator, and it is not the liability of the kinsman of those who have been instigated to be sued for the crime of the instigator, but the crime *to be charged against him is that* of a participator.

When it is not known which of them did it.

That is, the certainty[2] respecting one man and the certainty respecting many in the 'urradhus'-law is the same as the

dus ocus cinḍti aen fir a cain. In deit̆bir uil itir cindti sochaide in urradus ocus cindti aenfir a cain, is a cain ata.

Mas a nurradus do ronad in marbad̆, ocus cindti conad uat̆aib, ciḋ aen fer cid sochaiḋe, icait uile sec̆t cumala amach, ocus ícat in taenmad rann fichit da eneclainn re fer in feraind. Sec̆tar maigin sin; ocus let̆ mas a maiğin, ocus lan fir comadais eturru fri failled̆ cintaiğ.

Masa cundtabairt conad uat̆aib do ronad in marb̆ad, icat aithgin amach, ocus icad fer in ferainn in taenmad rann fichit don aithgin sin; ocus lan fir comadais eturra t̆all fri failled̆ cintaig, ocus fir ar cennaib uat̆ib amach.

Mas a cain ocus sochaide, ocus cindti conad uathaib̆ do ronad in marbad, icat sec̆t cumala amac̆, ocus icat in aenmad rann fichit da eneclainn fo sec̆t re fer in ferainn; lan fir comadais eturru fri failled̆ cintaig.

Masa cunntabairt conad uathaib do ronad in marbad, icad sec̆t naithgena amach, ocus icad fer in ferainn in taenmad rann fichit do cac̆ aithgin do na sec̆t naithgena; no cona hicann acht in taenmad rann fichit daen aithgin, no let̆ aen aithgin; ocus lan fir comadas

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[1] *The precinct.* The Irish word translated 'precinct' meant a portion of land of varying extent, lying round the house of a chief or high church dignitary; e.g. the land extending one thousand paces round the house of a bishop constituted his 'maighin' or precinct. Other 'maighins' are defined as extending as far round the house of a chief or ecclesiastical personage as the sound of the bell or the crowing of the cock could be heard. Some were enclosed, others were not.—*Vide* O'D. 609, C. 1793, 2138, 2631.

certainty respecting one man in the 'cain'-law. *As to* the difference which subsists between the certainty respecting many in the 'urradhus'-law, and the certainty respecting the one man in the 'cain'-law, it is in the 'cain'-law it (*the difference*) is.

If *it was* in *a district where* 'urradhus'-law *prevailed*, the killing has been committed, and that it is certain that it was by them (*the inhabitants of the district*), whether one man or many, they all *conjointly* pay a fine of seven 'cumhals' out, and they pay the one-twentieth part of his honor-price to the owner of the land. This is *when the killing has been committed* outside the precinct;[1] but one-half *honor-price shall be paid* if within the precinct, and *there is required* full appropriate *denial upon* oath among them for neglecting *to arrest* the criminal.

If it be doubtful that the killing was committed by them they pay compensation[2] out, and the owner of the land pays the one and twentieth part of that compensation; and *there is required* full appropriate *denial upon* oath among them within for neglecting *to arrest* the criminal, and *denial upon* oath on the part of the chiefs from them out.

If *it be* in *a district where* 'cain'-law *prevails*, and there be many *concerned*, and it is certain the killing was committed by them (*the inhabitants of the district*), they pay *a fine of* seven 'cumhals' out, and they pay seven times the one-twentieth part of his honor-price to the owner of the land; *there is required* full appropriate *denial upon* oath among them for neglecting *to arrest* the criminal.

If it is doubtful that it was by them the killing was committed, they pay seven compensations out, and the owner of the land pays the one and twentieth part of each of the seven compensations; or, *according to others*, he pays but the one and twentieth part of one compensation, or half compensation; and *there is required* full appropriate *denial upon*

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[2] *Compensation.* The word 'aithgin,' here translated compensation, means in general restitution of a thing itself or its exact equivalent in kind. Here it evidently means the "fine of atonement," the payment of which replaces (restitutes) all parties in their former position.

eturru ṫall fri failled cintaid, ocus fir ar cennaib uaṫaib amach.

Canas a ngabar in taęnmad rann fichit do caċ aithgin do na seċt naithgena do ic dfir in ferainḋ ina cunntabairt? Amuil ata in aenmad rann fichit do caċ eneclainn do in a cindti. Is as gabair sin, ailid sin somaine saigid saiġid fo na no uma cinaid.

Masa aenduine a cain, ocus cindti conad uathaib do ronad in marbad, icad seċt cumala amaċ, ocus icat in aenmad rann fichit da eneclainn re fer in ferainn; ocus lan fir comadais eturru ṫall fri failleḋ cintaid, ocus fir ar cennaib uaṫaib amach.

Masa cunntabairt conad uathaib do rinad in marbad, icad aithgin amach, ocus icad fer in ferainḋ in aenmad raṅn fichit don aithgin sin; ocus lan fir comadais etarru ṫall fri failleḋ cintaig, ocus fir ar cennaib uathaib amach.

Masa tre cumasc durradaib ocus do deoradaib ocus do murcairtib ocus do daeraiḃ, icat in luċt is mo lan ann imarcraiḋ; ocus tecait a cuibdes do cum in loċta is luġu lan and, ocus comicat etarru.

C. 2353. [In sellaċ ro bui ac seillceċt in láin do íc tar a cend amaċ, má ro fes air iardain, aċt] mása mó in lan ro icad dar a cenn amach ina in lan ro dleċt de, icadsum in lan ro dleċt de fein amach cona fiach seilliḋ; ocus icad fiach seilliḋ na himarcrada fris in fer amach.

Masa luga in lan ro icad dar a cenḋ ina in lan ro dleċt de fein, icadsum in lan ro icad dar a cenn amach co na fiach seilliḋ, ocus icad a imarcraiḋ amach.

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[1] *The crime.* This is a quotation from some ancient law-book.

oath among them within for neglecting *to arrest* the criminal, and *denial upon* oath on *the part of* chiefs from them out.

Whence is it derived that the one and twentieth of each of the seven compensations is paid by the owner of the land in a *case of* doubt? *It is* as he gets the one and twentieth part of every honor-price in *a case of* certainty. And this is taken from *the rule;* "he (*the owner of the land*) is entitled to sue for damages, according to or on account of the crime."[1]

If in *a district where* 'cain'-law *prevails, if it* is one man *that has been killed,* and it is certain that it was by them the killing was committed, they (*the inhabitants*) pay a fine of seven 'cumhals' out, and they pay the one and twentieth part of his honor-price to the owner of the land; and *there is required* full appropriate *denial upon* oath among themselves within for neglecting *to arrest* the criminal, and *denial upon* oath on *the part of* chiefs from them out.

If it is doubtful that the killing was committed by them (*the inhabitants*), they pay compensation out, and the owner of the land pays the one and twentieth part of that compensation; and *there is required* full appropriate *denial upon* oath among them within for neglecting *to arrest* the criminal, and *denial upon* oath on *the part of* chiefs from them out.

If it be by a mixed body of native freemen and strangers and foreigners and 'daer'-men *that the killing was committed,* they who have the largest full *honor-price* pay a *proportional* excess;[a] and they come into participation with those who have least full *honor-price,* and they *thus* pay equally between them.

[a] Ir. *The excess.*

If it be found out of a looker on that he was looking on at the payment of the full '*eric*'-*fine* for himself out, and if the full *amount* which was paid for him out was greater than the full *amount* which was due of him, he pays the full *amount* that was due of himself and the fine for looking on *at the payment;* and he pays the excess of fine for looking on to the man outside.

If the full *amount* which was paid for him is smaller than the full *amount* which was due of him, he pays the full *amount* which had been paid for him out with the fine for looking on, and he pays the excess out.

Mara cutruma in lan ro icad dar a cenn amach ocus in lan ro dleċt deisium, icadsum digbail a láime sis in fer amach, cona fiach feilliḋ.

In duine ro bi a fiadnaise in lain sin ac a ic amach, no cen co roibe, ma ro fitir a ic amach, icad urraḋ aithgin a cota co cethruime dire a ċota, ocus co cethruime eneclainne; icad deoraid aithgin a cota con oċtmad diri a cota ocus co oċtmad eneclainne; icad muirċairṫi aithgin a cota ocus in seisid rann dec diri a ċota, ocus in seisiḋ rann dec a eneclainni.

Cid icas daer? Aithgin a lana budéin dic do daer co na fiach feillidechta. Da seċtmaḋ ocus in seċtmaḋ rann dec im duine, mane tarus ni amuich; ocus ma tarus, seċtmad ocus in seċtmaḋ rann dec. Da cuiced im an cet boin, cuiced ocus deċmad im an mboin tanairi, cuiced ocus in cuiced rann dec im in tres boin, cuiced im caċ boin o ṫa sin amach. Do neoch na tarus amuich sin; ocus ma tarus, is cuiced im an cet boin ocus deċmad im in mboin tanaisti ocus in cuicid rann dec im in tres boin.

Leth ocus oċtmaḋ im in cet ech, leṫ ocus seisid rann dec im an ech tanaisti, leṫ ocus in dara rann triċat im in tres ech; leth im cach nech o ṫa sin amach.

Do neoch na tarus amuich sin; ocus ma tarus, oċtmad im in cet ech, ocus in seisid rann déc im in ech tanaisti, in dara rann triċat im an treas ech, ocus noco nuil ní a nech o ṫa sin amach.

C. 2,354–5. [Más urra ro buí ag seillcecht [in láin díc amach], ocus is é fein do roinne in marbaḋ, ocus ro fer [in marbaḋ] air iardain, íca sé seċt cumala imaċ, ocus

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[1] *The emptying of his hand.* That is, the amount which he had emptied his hand of, or had paid.

[2] *The equivalent.* That is, a 'daer'-man repays to those who had paid it for him the full 'eric'-fine payable by himself.

If the full *amount* which was paid for him out is equal to the full *amount* which was due of him, he pays to each man the emptying of his hand[1] out, with the fine for looking on.

The person who was present at the payment of that full *amount* out, or who, though he were not *present*, knew that it had been paid out, pays *if he be* a native freeman, restitution of his share with one-fourth of the 'dire'-fine of his share, and with one-fourth of honor-price; a stranger pays restitution of his share with the eighth of the 'dire'-fine of his share and with the eighth of honor-price; a foreigner pays restitution of his share and the sixteenth part of the 'dire'-fine of his share and the sixteenth part of his honor-price.

What does a 'daer'-man pay? The equivalent[2] of his own full '*eric*'-*fine* is paid by a 'daer'-man with the fine for looking on. Two-sevenths and one-fourteenth for a person, if nothing has been got outside; but if *something* has been got, one-seventh and one-fourteenth *are to be paid.* Two-fifths *are due* for the first cow, one-fifth and one-tenth for the second cow, one-fifth and one-fifteenth for the third cow, one-fifth for every cow from that out. This is when nothing has been got outside, but if *something* has been got, it is one-fifth *that is due* for the first cow and one-tenth for the second cow and one-fifteenth for the third cow.

One-half and one-eighth *are due* for the first horse, one-half and one-sixteenth for the second horse, one-half and one-thirty-second for the third horse, one-half for every horse from that out.

When nothing has been got outside, this holds good; but if *something* has been got, one-eighth *is due* for the first horse, and one-sixteenth for the second horse, and one-thirty-second for the third horse, and there is nothing *due* for a horse from that out.

If it was a native freeman[3] that was looking on at the full payment out, and it was himself that committed the killing, and the killing was found out of him afterwards, he pays out *a fine of* seven 'cumhals,' and they shall levy the

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[3] *A native freeman.* The words within the second brackets in this interpolated portion are corrections made by Professor O'Curry in his own Transcript of Egerton, 88, 27, b. a. in the British Museum.

toibgetrim digbad i láime imuiċ; ocus mun ḟaġḃait sim digbaḋ i láime imuiċ, ícasim sin riu, co fiachaib seillceċta. Ocus is iad na féiṫ treillceċta hi sin; ceṫrime dire, ocus oċtmad dire, ocus aile dég ceṫrime dire, im seotaib diabalta, ocus im daoinaib.

Mára deoraiḋ ro baoi ac seillceċt, íca na fiaċ imaċ; ocus is é féin do roinne in marbaḋ, ocus ro fear air iardain, íca sé leṫ seċt cumala imaċ, ocus toibġetrim digbaḋ i láiṁe imuiġ; ocus muna faġḃatrim dígḃaḋ i laiṁe, ícasim riu, co fiachaib seillceċta. Ocus is iatt na féich treillceċta sin: oċtmad díre, ocus in seised rann dég, ocus in ceṫriṁe rann fiċit díre; oċtmaḋ im sétaib diabalta, ocus im daínib.

Mára murċurṫa ro buí ac seillceċt, íca na fiach i láin imaċ, ocus is é féin do roinne in marbaḋ, ocus ro fear air iardain, íca sé leṫ seċt cumala imaċ, ocus toibġetrim digbaḋ i laiṁe imuiġ; ocus muna faġḃatsim digbaḋ i láiṁe, ícasim riu co fiachaib treillceċta. Ocus is iatt na féich treillceċta sin, seisid rann dég ocus in dara rann triċat ocus in toċtmaḋ rann ceṫraċat dire; seisid rann dég dire im sétaib diabalta, ocus im daínib.

Mára daor ro buí ac seillceċt, íca na fiaċ, ocus is é féin do roinde in marbaḋ, ocus ro fer air iardáin, íca sé cumal aithgina imaċ, ocus toiḃgetrim dígḃaḋ i láime; ocus muna fagbatrim digba i láime imuiċ ícasim riu, co fiachaib seillceċta. Ocus is iatt na féich treillceċta hisin: dá cúicid is in cét séd, cuicid ocus deċmad is in séd tanisi, cúicid ocus in cuicid rann déc isin tres sét; dá seċtmad ocus in ceṫriṁe rann dég im duine; leṫ ocus oċtmad im ech, no im sétaib

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[1] '*Seds' of double.* That is, in-calf cows, for which, if stolen, maimed, or killed, payment equal to twice the value was to be made.

emptying of his hand outside; and if they do not find the emptying of his hand outside, he shall pay that unto them, together with the fines for looking on. And these are the fines for looking on: one-fourth of 'dire'-fine, and one-eighth of 'dire'-fine, and one-twelfth of one-fourth of 'dire'-fine for 'seds' of double[1] and for persons.

If it was a stranger that was looking on, he pays the fines out: *i.e.*, *if* it was himself that committed the killing, and it was found out of him afterwards, he pays *a fine of* one-half of seven 'cumhals' out, and they shall levy the emptying of his hand outside; but if they do not find the emptying of his hand *outside*, he shall pay it unto them, together with the fines for looking on. And these are the fines for looking on: one-eighth of 'dire'-fine, and one-sixteenth of 'dire'-fine, and the one-twenty-fourth of 'dire'-fine; one-eighth for 'seds' of double,[1] and for persons.

If it was a foreigner that was looking on, he pays the fines in full out, *i.e.*, *if* it was himself that committed the killing, and it was found out of him afterwards, he pays *a fine of* half seven 'cumhals' out, and they shall levy the emptying of his hand outside; and if they do not find the emptying of his hand *outside*, he shall pay it (*the fine*) unto them, together with the fines for looking on. And the fines for looking on are: the one-sixteenth, and one-thirty-second, and the one-forty-eighth of 'dire'-fine; one-eighth for cattle of double, and for persons.

If it was a 'daer'-man that was looking on, he pays the fines, *i.e.*, *if* it was himself committed the killing, and it was found out of him afterwards, he pays *a fine of* a 'cumhal' as compensation out, and they shall levy the emptying of his hand *outside;* but if they do not find the emptying of his hand outside, he pays it unto them, together with fines for looking on. And these are the fines for looking on: two-fifths for the first 'sed,' one-fifth and one-tenth for the second 'sed,' one-fifth and one-fifteenth for the third 'sed;' two-sevenths and one-fourteenth for a person; one-half and one-eighth for a horse, or for 'seds' of double; or

diabalta; no cuma dá cuicid in gac̃ sét cet̃arda uile .i. cin rit̃ itir; atces uait̃aib in duine imac̃ ón aireac̃t ann don marbad, ocus atcear cucu iarr an marbad̃.

Ocus muna facus uathaib no cuccu itir é, is cetharaird ocus culáird do riagailt i leit̃ reis, ocus teist ocus annteist do riagail inntibseicc].

C. 1,391.

A meic ara feiser urrad for tir ndeorad, [ocus deorad for tir nurraid].

.i. dá trian diri dula urraid durrad̃ ina duil; aen trian diri dula deoraid̃ do deorad̃ ina duil; ocus eneclann do cechtar de fo aicned lui no cleit̃i.

Set sain fuil itir in urrad̃ ocus in deoraid̃, dá trian ac in urrad̃ ann, ocus aen trian ac in deoraid̃; ocus da mad ac neoch dib in ecmais a c̃éile ro beith he, ro bad lan diri aicinta a seoit do breith do [is leis féin a dire ocus a ait̃g̃in ocus a eneclann gan ní don tí aile as]. C. 1,724.

Más ar fochraic tucad in ferann, a fég̃ad ca fochraic ar a tucad he:—in fochraic act̃aig̃ti no in foc̃raic do reir dligid̃. Act̃ masa fochraic achtaig̃ti, is a bith ar in achtugad̃ sain. Masa fochraic do reir dligid̃, act̃ mas da treabad̃ ocus do caithium a feoir ocus a uisci tucad in ferann, is trian cach neich losas ocus asas ocus infoirbres air o t̃ir dfir in ferainn; ocus is cetfaid cemdais seoit ac na beith indlus no inorbairt do bert̃a air, combet̃ sain astu.

[1] *Quadruple 'sed.'* That is, one for which fourfold restitution had to be made.

[2] *Cetharaird.* That is, literally, 'the four points,' meaning the four surrounding townlands nearest to the place to which he had been tracked from some other place.

[3] *Culaird.* Literally, 'the back points,' that is, the four townlands nearest again to 'the four points.'

it might be two-fifths for every quadruple 'sed,'[1] *i.e.* without any interest at all; *but in the last case* they had seen the person at a distance from the meeting at the killing, and they saw him *coming* to them after the killing.

But if they hadn't seen him *at a distance* from them, or *coming* towards them at all, it (*the case*) is ruled by 'cetharaird'[2] and 'culaird'[3] with respect to him, and it is ruled by trustworthy witness or untrustworthy witness with respect to them.

My son, that thou mayest know *the law when* a native freeman *is* on the land of a stranger, and a stranger on the land of a native freeman.

That is, two-thirds of the 'dire'-fine for the native freeman's beast is paid to the native freeman for his beast; one-third of the 'dire'-fine for the stranger's beast to the stranger for his beast; and honor-price is due to each of them according to the nature of minor and major (*lower or higher social rank*).

If a 'sed,' owned in common between a native freeman and a stranger, *has been stolen*, two-thirds *of the fines for it are due* to the native freeman and one-third to the stranger; but if it belonged to one of them independently of the other, only the full 'dire'-fine for the 'sed' according to its kind is to be given to him (*the owner*), *or, according to others,* the 'dire'-fine and restitution and honor-price belong to himself, the other person getting nothing out of it.

If the land has been let for hire, let it be seen what hire it was let for:—whether it was a stipulated hire or hire according to law. If it is a stipulated hire, it (*the payment*) is to be according to that stipulation. If it is hire according to law, and if it be to plough it and use its grass and its water that the land was let, the one-third of everything that multiplies grows and increases from the land *is due* to the owner of the land; and it is the opinion *of lawyers* that even though it was cattle which did not produce or increase that were brought upon it (*the land*), that it (*the rent*) should be got on account of them.

Mas do caithim seoir namá is [annsiḋe ata], fear
adaig seċt mbu i tir a ċeile, facaib in seċtmad boin
C. 1,725. dia bliaḋain [is in fochraic]. Ocus in toċtmad log bo do
C. 491. cairib na tuc ar áird. Comloġ in bo ocus na cairig ocus
in fochraic annsin. Ocus ised is fochraic coir ann cut-
rumus seċtmaid ann ocus oċtmad co na tabairt fris,
C. 1,725. [ocus oċtmad co na ṫabairt fris na caoiriġ].

Mas do chaithium a feoir ocus a uisci tucad in fearann, ocus ro achtaiged a neimtrebaḋ, cuic seoit ann; ocus dilsi in neich arṫair ann co na ḟil o urraḋ; leṫ cuic set, ocus dilsi in neiċ arṫair ann co na sil o deoraiḋ; cethramṫu cuic set ocus dilsi in neich arṫair ann co na sil o murcairṫi; dilsi in neich arṫair ann co na sil o daer.

Munar aċtaiġed a nemtrebaḋ itir slan dosum a trebaḋ, aċt na tair fer bunaid ina cruaich no ina desaib he; ocus da tair, caċ ní dia trebuire foric comarba trebar ar a ċind in a ṫir is diles do.

Foċraic aċtaiġṫi uil itir in cet urraiḋ ocus in deoraid andsain; ocus foċraic do reir dliġiḋ uil itir in urraḋ ndeidinach ocus in deoraid deidinach; ocus da mad foċraic do reir dligid ro beith itir in cet urraḋ ocus in deoraiḋ, is se in cet urrad ro berad in trian.

Ca deoraiḋ dada in leṫ co cert? Urraḋ ro ḟácaib a toċus in a crich budein ocus do cuaid i crich aile imach he: ċoibdeiliġur a coirpdiri. Ocus ro ḟoglaid urraḋ fris amuich, leṫ coirpdiri ocus leṫ eneclann do in caċ ḟoġail do ġéntar fris.

No dono is urraḋ he ina criċ budein, ocus luath-

If it was to consume grass alone *the land was let,* this is *as if* a man placed seven cows on the land of another; he leaves one cow of the seven[a] at the end of a year as rent. And it is the one-eighth of the value of a cow for an indefinite number of sheep[b]. The cow and the sheep are of the same value as *regards* the rent in this case. And the proper rent is the equivalent of one-seventh, and the one-eighth to be added to it, and one-eighth to be added on account of[c] the sheep.

If the land was let for the consumption of its grass and water, and it was stipulated that it should not be ploughed, five 'seds' *is the fine* for it (*ploughing the land*); and the produce of the tilling, with the seed, shall be forfeited by a native freeman; the half of five 'seds,' and the produce of the tilling, with the seed, shall be forfeited by a stranger; the fourth of five 'seds' and the produce of the tilling, with the seed, shall be forfeited by a foreigner; the product of the tilling, with the seed, by a 'daer'-man.

If the non-ploughing of it was not stipulated at all he (*the tenant*) is safe in ploughing it, provided the owner does not seize it (*the crop*) in the rick or standing; and should he seize it, every part of his property which the rightful owner finds before him on his land is forfeited to him.

A stipulated hire is *agreed on* between the first *mentioned* native freeman and the stranger in this case; and hire according to law is between the latter *mentioned* native freeman and the latter stranger; and if it was hire according to law that had been between the first *mentioned* native freeman and the stranger, it is the first *mentioned* native freeman that would have obtained the one-third.

What stranger is he who has one-half by right? A native freeman who left his property in his own territory and went out into another territory; his 'body'-fine is reduced to one-half. If a native freeman *of those living* outside *the territory* has injured him, he has half 'body'-fine and half honor-price for every *such* injury which is done to him.

Or he (*who is entitled to one-half*) is a native freeman

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[a] Ir. *The seventh cow.*

[b] Ir. *Sheep not brought forward.*

[c] Ir. *To.*

deoraiḋ ro foġail fir ann; leth coirpdiri ocus leṫeneclann do ind.

In inbaid ata in turraḋ ar ferann foċraca, in deoraid bunad ruc leis anunn, is trian frichnama do beir leis amach, ocus trian tíre facbar ṫall. Foċraic actaiġṫi uil itir in deoraiḋ ocus in turraḋ andsin, uair da mad foċraic do reir dliġiḋ is e urraḋ bunaiḋ in feraind ro berad in trian.

Mad se in deoraiḋ uil ar ferann fuidlis in urraid bunad fuair tall, trian bunaid ocus trian tire facbus tall; ocus trian friċnama do beir leis amach.

Breithemnas ocus imdenam don urraḋ for in deoraiḋ, ocus trian coirpdiri do briṫ do, ocus seċtmad a marbcorpdiri; ocus a dibad uile do breith do, muna uil bescna do re finechaire.

O rachas in duine dar in clad no dar in coraid is nesa do, aċt co tuctar rath fuidri do ocus ferand fuidri, is fuidir is raiti fris, ocus fognam fuidri uad. Ocus is e aichne na fuidri: cid mor neich cuingiter air, is eicen do in rath dairec uad, no in ferann dracbáil. Ocus cid fata bes acon fognam is eicean do in ferann dracbail fo deoid. Ocus cuic seoit a raṫ. Ocus cid mor neich meṫus air, noca neicen do aċt aithgin cach neich meṫus dic no cor leice elod, no diablad iar leicsin elaiḋ.

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[1] *A stipulated hire.*—That is, a definite rent.

[2] *Hire according to law.*—The meaning would appear to be, that the compensation for occupation was left to be fixed by law between the parties, in the case.

[3] *Judgment and proof.*—The native freeman was allowed to prove his own charge against the stranger, and pronounce judgment upon it. A chief had the same power over his 'daer'-stock tenant and a church over tenants of church-lands. Vid. Senchus Mor, Vol. II., p. 345.

in his own territory, and a passing stranger has injured him there; he shall have half body-fine and half honor-price for it (*the injury*).

In the case in which a native freeman is upon hired land, *and* it is the owner *who is a* stranger that has brought him in with him, he (*the native freeman*) brings out with him one-third for *his* service, and he leaves within (*behind him on the land*) one-third for the land. In this case it is a stipulated hire[1] that is between the stranger and the native owner, for if it were hire according to law[2] it is the native owner of the land that would get the one-third.

If it is the stranger that is upon the rightful land of the original native owner that he found within (*on the land*), he (*the stranger*) leaves one-third for the original owner and one-third for the land within (*on the land*); and *it is* one-third for *his* service that he brings with him out.

The native freeman has judgment and proof[3] as against the stranger, and he takes one-third of his *life* body-fine, and the seventh of his death body-fine; and he takes all his (*the stranger's*) effects *at his death*, unless there is a 'bescna'-compact between him (*the native freeman*) and the family *of the stranger*.

When a person has gone beyond the ditch or beyond the fence that is next to him, if the stock of a 'fuidhir'-tenant[4] and the land of a 'fuidhir'-tenant have been given to him *by the landlord*, he is to be called a 'fuidhir'-tenant, and the service of a 'fuidhir'-tenant is *required* from him. And a 'fuidhir'-tenant is of this kind:—however great the thing may be which is required of him, he must *render it, or* return the stock, or quit the land. And however long he may have been in the service he must quit the land at length. And his stock is five 'seds.' And though much he may fail *in the repayment*, he is not compelled to do more than make restitution for what he fails in until he absconds, or double *restitution* after absconding.

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[4] '*Fuidhir'-tenant.*—The social position of a 'fuidhir'-tenant appears to have been intermediate between that of a 'daer'-stock tenant and a 'daer'-person.

THE BOOK OF AICILL.

Breithemnas ocus indenam ocus fiadnaise don duine for a fuidir, amuil do neich for a daer ċeile; ocus trian a beocoirpdire do breith do ocus seċtmaḋ a marbcoirpdiri.

C. 1391. A meic, ara feiser cin rig for tuaith, [ocus cin tuaithi for rig].

.1. rig escaires cain ocus cairde do gres, ocus tuath is menċe uachtnaiġus. Is i aithne in cairde lan fiach ind re ndechmaid ina fis, ocus leṫ fiaċ ina nanfis; lan fiach ind iar ndechmaiḋ, cid fis cid anfis. In ti o n[d]ailenn in fis is se icas in lan fiach no in leṫ fiach; ocus noca nuil arra amach iar ndechmaid, ocus noco nuil arra do rig no co digbaiṫer a lam.

Dechmaḋ re hescaire in cairde, ocus mí re imgleod. Ocus cairde bliadna sin; ocus damaḋ cairde bud luga na sin, in tainmraindi gabus in dechmaḋ no in mí isin bliaḋain corab é in tainmraindi sin gabus is in cairdi bic. In ní bias re hescaire, ocus aile dec re imgleod; no comad dechmaḋ re hescaire caċa cairde [uile], ocus aile dec re imgleod.

Masa [o] rig ro dail in fis amach, ocus ni ṫuc in fis amaċ, ocus tuath ro [f] uachtnaig re ndechmaiḋ, leth o rig amach, ocus leṫ arra o tuaiṫ amach, ocus leṫ on tuaiṫ don rig.

A person has judgment and proof and evidence[1] as against his 'fuidhir'-tenant, the same as one would have against his 'daer'-stock tenant; and he gets the third of his life body-fine and the seventh of his death body-fine.

My son, that thou mayest know when the crime of the king is *visited* upon the people, and the crime of the people *is visited* upon the king.

Viz., *it is* the king *that* proclaims 'cain'-law and 'cairde'-regulations always, and the people *that* oftenest disturb them. The 'cairde'-regulations command full fine before ten days in case of knowledge, and half fine in case of ignorance; full fine after ten days, whether *with* knowledge or ignorance. The person who is bound to furnish the information is he who pays the full fine or the half fine; and there is no hostage[a] out (*to the other party*) after ten days, and there is no hostage[a] to the king until his (*the king's*) hand has been emptied *by the paying of the fine.*

[a] Ir. *Hostage-pledge.*

There are ten days for proclaiming the 'cairde'-regulations, and a month for ratifying *them.* And this is *the rule in the case of* 'cairde'-regulations for a year; and if it be *a case of* 'cairde'-regulations for a shorter time than that, the proportion which the ten days or the month bears to the year is the proportion which it (*the shorter time for proclamation*) will bear to the shorter *duration of the* 'cairde'-regulations. *This is* what shall be for proclamation, and twelve days for ratifying *them;* or, there are ten days for proclaiming all 'cairde'-regulations *of whatever duration,* and twelve days for their ratification.

If it was the king that was bound to send the information out, and he did not send out the information, and *if* the people violated it (*the 'cairde'-regulation*) before ten days, *there is* half *fine* from the king out (*to the other party*) and a hostage[b] *due* from the people out (*to the other party*), and a hostage[c] from the people to the king.

[b] Ir. *Half-hostage pledge.*

[c] Ir. *Half.*

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[1] *And evidence.*—That is, he can get his own people to give evidence against him, the 'fuidhir'-tenant having no power of producing counter-evidence.

THE BOOK OF AICILL.

C. 1727. Mas o tuaith ro dail fir amach re ndechmaid̃, [ocus tuat̃ ro fuac̃tnaig̃], leithfiach ocus leth arra o tuaith amach, ocus noco nuil arra do rig uair nar digbad a lam.

[M]a da cobair mar aen, conad cethruime fiach o cec̃tar de amach, is let̃ arra o tuaith amach ocus let̃ arra o tuaith don rig.

C. 1728. Cid fodera in bail is cethruime fiach nach cethruime arra na biad and? Ise fat̃ fodera, [cethri haitir do chur crainn, diar dib dia lug̃a]. Is é lan arra na cairdi diar, is e a let̃ arra aen fer; ocus noco fetar indsci in aen fir do roind, ocus da feta, amuil is cethruime féich, ro bad cethruime arra.

C. 1728. Mas o rig ro dal fir amach iar ndec̃maid̃, ocus tuat̃ ro uachnaig iar ndechmaid, lan fiach o rig amach ocus lan arra ó t̃uait̃ don rig; no is bith cen arra amach, [uair rainic in lan cena].

C. 1728. C. 1728. Mas o tuaith ro dail fir amach, iar ndecmaid, [ocus tuat̃ ro fuac̃tnaig], lan fiach o tuaith amach [ocus noco nécen arra do rig̃ ór na ro digbad̃ a lám̃].

C. 1728. C. 1728. C. 1728. A da comais mar aen [co. hinad] arit̃i iar ndec̃maid̃ [ocus tuat̃ ro fuac̃tnaig̃], let̃ fiach o cec̃tar de amach, ocus is let arra o tuait do rig̃, ocus is bit̃ cen arra amach, [uair ro siac̃t in lán cena imac̃].

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[1] *If they were both equally in fault.*—For "Ma da cobair" C. 1727 reads "masa da comfis, if of their joint knowledge."

[2] *If they were both.*—For "a da comais" the reading in C. 1728 is "masa da comḟis, if of their joint knowledge."

[3] *To a certain place.*—For "co inad ariti," C. 1728, has "co hinad urdalta, to an appointed place."

If it was the people that were bound *to send* the information out before ten days, and the people violated *the 'cairde'-regulations,* there is half fine and a hostage[a] *due* from the people out (*to the other party*), and there is no hostage[b] *due* to the king because his hand was not emptied.

[a] Ir. *Half-hostage pledge.*

[b] Ir. *Hostage-pledge.*

If they were both equally in fault,[1] one-fourth fine is *due* from each of them out (*to the other party*), a hostage[a] from the people out (*to the other party*), and a hostage[a] from the people to the king.

What is the reason that where it is one-fourth fine it should not be one-fourth hostage-pledge also? The reason is, four hostages cast lots—two of them to be selected. Two men are the *king's* full hostage-pledge in 'cairde'-regulations, *and* one man is his half hostage-pledge; but the person of the one man cannot be divided, and if it could, as it is one-fourth fine, it would be one-fourth hostage-pledge *also.*

If it is the king that was bound *to send* the information out (*to the other party*) after ten days, *and he did not send the information out,* and the people violated *the 'cairde'-regulations* after ten days, there is full fine from the king to the other party[c] and full hostage-pledge from the people to the king; or, *according to others,* there is to be no hostage to the other party,[c] because the full *hostage-pledge* has been received *by the other party* already.

[c] Ir. *Out.*

If it was the people that were bound *to send* the information out, *and did not send the information until* after ten days, and if it was the people that violated *the 'cairde'-regulations,* full fine *is due* from the people to the other party,[c] and it is not necessary *to give* a hostage[b] to the king as his hand was not emptied *by paying the fine.*

If they were both[2] (*king and people*) equally in fault *in having delayed to send the information out* to a certain place[3] after ten days, and *if* the people violated *the 'cairde'-regulations,* there is half fine *due* from both to the other party,[c] and a hostage from the people to the king, but there is no hostage to be sent to the other party[c] because the full *amount due* had been sent to the other party[c] already.

THE BOOK OF AICILL.

C. 1391.

A meic, ara feiser fer rechta i necosc dilsi, [ocus dilsech i necosc fir rechtce.

Leṫ fiac do taiseċ, lanad ceṫraime don deidenaċ daiġ in ecosca i mbi].

.i. noco nfuil fiach maiġne na impaid ó duine do dilseċ i riċt dilsiġ, no do dilsech ina riċt budein. Ata fiaċ maiġne ocus impaide uad dindilsech i riċt indilsiġ, no dindilsech ina richt budéin. Eḋon: noco nuil fiaċ maigne na impaid o duine i ndul do denam fogla re dilseċ, ocus noco nuil eiric do no co ria co fogail; ocus o ro ria, islainti co trian mása dilseċ friṫaigṫi, no slainti uile masa dilsech bais.

Mas do marbad indilsiġ do cuaiḋ ocus dilsech do rala do marbad, fiach maigne ocus impaid uaid don inḋilsech ris i ndechaid; ocus slán in dilsech do rala ann do marbad co trian masa dilsech frithaiġe, no uile masa dilseċ bais.

Mas do marbad dilsiġ do ċuaid ocus indilsech ro marbustar, noco nuil fiach maiġne na impaid don dilseċ ris i ndechaid marbad; ocus leṫ coirpdire uad ris in indilsech ro marbad [.i. leṫ coirpdire ocus leṫ eneclann, ocus fír ro leṫ coirpdire ocus ro leṫ eneclann, co nach ina riċt budéin ro marbaḋ é, aċt a riċt dilsiġ, cin caemactain fastuda, ocus is é sin leṫfiach don tuiseċ lanod]. C. 1729.

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[1] *In the person of.*—That is, occupies legally the position of, &c.

[2] *In respect of place*, i.e. in which the act was committed.

[3] *Intention*, i.e. intentional wrong, or malicious act or attempt.

My son, that thou mayest know when a lawful man is in the person[1] of an outlaw, and an outlaw in the person of a lawful man.

Half fine to the first, a full fourth to the last for the position in which he is.

That is, there is no fine *in respect* of place[2] or of intention[3] from any one to an outlaw *injured* in the person of *another* outlaw, or to an outlaw *injured* in his own *proper* person. There is a fine *in respect* of place and of intention from one to a lawful man *injured* in the person of *another* lawful man, or to a lawful man *injured* in his own *proper* person. That is: there is no fine *in respect* of place or of intention from one in going to do injury to an outlaw, and there is no 'eric'-fine *due* to him (*the outlaw*) until the actual wrong has been done; and when it has been done, he (*the man doing the wrong act*) is exempt as far as one-third, if he (*the man on whom the deed is done*) be one on whom it is right to inflict the retaliation of an injury,[a] or altogether exempt, if he be a condemned outlaw.[b]

If he had gone to kill a lawful man and happened to kill an outlaw, a fine *in respect* of place and of intention *is due* from him to the lawful man against whom he went; and for killing the outlaw who happened to be there, there is exemption as far as one-third (*of the penalty*), if he (*the man killed*) be one on whom it is lawful to inflict the retaliation of an injury,[a] or entire *exemption* if he be a condemned outlaw.[b]

[a] Ir. *One guilty of retaliation.*
[b] Ir. *One guilty of death.*

If he had gone to kill an outlaw and killed a lawful man, there is no fine *in respect* of place or of intention *due* to the outlaw whom he had gone to kill; but half body-fine *is due* of him for the lawful man who was killed, *i.e.*, half body-fine, and half honor-price, and proof *must be given* as regards the *other* half body-fine and half honor-price, that it was not in his own person he was killed, but in the person of an outlaw without the power of restraining him; and this (*the proof of the fact*) is *equivalent to* the half fine due of the first man of full *privilege.*[4]

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[4] *Man of full privilege*, i.e. a person entitled to full honor-price, restitution, and body-fine.

THE BOOK OF AICILL.

[Cuin ata eiric eirce do duine?]

C. 1730. Is and atá eiric [eirce] ó duine in tan do ċuaiḋ do denam foġla re hindilsech ina riċt boḋein, ocus in fogail rob áil leis ḋferċain ni tainic a ngnim; ocus da tisad a ngnim, noċa biad deċbir robdaiġ na heisce ime [illeith C. 1730. ris in eiric].

C. 1730. Mar do marbaḋ indilsiġ ro ċuaiḋ [duine tria eirce], ocus cned for corp indilsig ro ferustar, mára fuiliugaḋ, no cned ó failiugaḋ suas, [no fuiliugaḋ] fein, is lan coirp- C. 1730. diri [in marbṫa and. Is ann sin ata lan coirpdire is in C. 1730. fuiliuġaḋ tria eirce i nurradus.]

C. 1730. Mára cned o fuiliuġaḋ sís, is leċ coirpdire [in marbtha and].

Marbad rob ail leis in caċ inat dib sin. Mára ċned ar corp, ocus má ruc indeithem cneiḋe áiriti leis, masi in cned sin ro ferustar, no cned is mó anás, cobfodail eirci uirre co tí a ngnim: seċtmad ina imraḋ, leċ ar dul co maigin, ocus is coirpdiri robdaig na cneidi, ó do raġa in gním; ocus ní has in cneiḋ is luġa anas ro fer, cibé de bus mó—fiach maigne, no imraid na cneid rob ail leis dferċain, no eiric robdaiġ na cneide ro ferustar—corab ed bes uad.

C. 1731. [Mas dferiċain croligi bais do ċuaiḋ duine, ocus fuiliugad ro ferastar, no cneḋ [bec], mara cneḋ o tha fuiliugad suas, is lan eiric in croligi bais; mara cneḋ o ṫa fuiliugad sís, is leċ eiric in croligi bais.

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[1] *Blood-shedding up.*—That is, any wound from the smallest blood-drawing to the highest wound upwards.

[2] *Blood-shedding down.*—That is, a bruize which does not cause any blood to appear, which only discolours the skin or produces a lump for a time.

[3] *Until it (the great wound) takes effect.*—The fine is graduated up to the amount which would be payable in case the greater wound had been inflicted.

THE BOOK OF AICILL.

When is a man entitled to 'eric'-fine for intention?

The case in which the 'eric'-fine for intention is *due* by a man is when he went to do injury to a lawful man in his own *proper* person, and the injury which he designed to inflict upon him did not take effect; and if it took effect, the inflicting or the intention would make no difference with respect to the 'eric'-fine.

If one went with the intention to kill a lawful man, and inflicted a wound on the body of a lawful man, if it was a *case of* blood-shedding, or a wound blood-shedding up,[1] or blood-shedding only, the full body-fine for killing shall be *paid by him* for it. (It is in this case that full body-fine is *due* for intentional blood-shedding in 'urradhus'-law.)

If it was a wound from blood-shedding down,[2] half the body-fine for killing is *due* for it.

Killing was intended in each of these instances. If a wound *has been inflicted* on the body, and if he took with him the intention of *inflicting* a particular wound, *and* if it be that wound or a greater wound that he inflicted, it (*the fine*) is graduated according to the intention until it (*the great wound*) takes effect;[3] a seventh for intention, one-half for going to the place, and the body-fine for inflicting the wound, when the deed has been committed; and it is not for the smaller wound which he inflicted *he pays;* whichever of them is greatest, the fine for *going to* the place, or the fine for the intention of the wound which he wished to inflict, or the 'eric'-fine for inflicting the wound which he *actually* inflicted, that is the 'eric'-fine which shall be upon him.

If one went to inflict a death-maim[4] and inflicted only blood-shedding, or a small wound, if it be a wound from blood-shedding up, there is the full 'eric'-fine for a death maim *for it;* if it be a wound from blood-shedding down, there is half the 'eric'-fine for a death-maim *due for it.*

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[4] *Death-maim.*—The "cꞃoliᵹi baiꞅ, death-maim," does not mean a wound which causes death, but a wound the evil effects of which remain as long as the wounded person lives.

THE BOOK OF AICILL. Már dfertain cneiḋe bice do cuaiḋ ocus cneḋ mor ro ferasṫar, a roġa don ḟir ar ar feraḋ in cneḋ mor in comfodail eirci ar eiric rordaig na cneiḋi biar uaḋ, no in lan fiach na cneiḋe moire cin cobfodail eirci urri.

Mar dferṫain cneiḋi do cuaiḋ, muna rucastar innithim cneiḋe airithe leis, cid bed cned feras is lan fiach na cneiḋe sin uaḋ.]

C. 1926. [Mane ro ferustar cneḋ etir, is cobfoḋail eirci ar eiric roraig na cneide is luga fogabar a liubar uaḋ, no ar eiric na cneide is mó uil a liubar uaḋ [.i.] ar eiric ina croligi bais .i. uinge ina banbeim, ocus seċtmad
O'D. 2343. [coirpdire na cneide fein] ina imradadh, ocus leṫ ar ndul gu maigin. Ocus iss í sin in cneḋ robaiġ, ocus cobḟodail eirci uirri. No comad crannchur eturru; no comaḋ
C. 1731. roinn ar dó, [ginmota luigi.]

Muna ruc [indeiṫem̃] cneidi itir leis, aċt roġail do dénam, má ro ferustar cned, éiric robdaig na cneidi sin uad.

C. 1926. [Duine do ċuaiḋ for indilseċ co maigin annsin, ocus do rála dilseċ do ocus ro marbustar é, fiaċ maidne uad do indilseċ for a ndeċaid, ocus ceṫraimti coirpdire cana, inunn ocus leṫ coirpdiri urradais. No is for deoraiḋ do ċuaiḋ, ocus ceṫraime coirpdiri in urraid leṫ coirpdiri in deoraid. Ocus fír fon leṫ coirpdiri, gur a riċt dilsiġ ro marḃ é.]

C. 1927. [A meic, ara feiser aenfear i mam ndeise, ocus dias i mam aen fir; fear congaib deide, no treide,

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[1] *The white blow.*—That is, a blow which does not draw blood.

[2] *Or lots are to be cast between them.*—That is, as to which of the two fines is to

If one went to inflict a small wound and inflicted a great wound, the man on whom the great wound was inflicted has his choice whether he (*the assailant*) shall pay an 'eric'-fine graduated according to the wound intended to be inflicted, or full fine for the great wound without any graduation according to intention as regards it.

If one went to inflict a wound, but had not the intention of inflicting a particular wound, whatever wound he inflicts he pays the full fine for that wound.

If one has not inflicted any wound at all, *though he intended it,* he pays an 'eric'-fine graduated according to the intention of inflicting the smallest wound which is found in the book, (or, *as some say*, the 'eric'-fine for the greatest wound that is *mentioned* in the book), i.e. the 'eric'-fine for a death-maim; i.e. an ounce for the white blow,[1] and one-seventh of body-fine for intention of *inflicting* that wound, and one-half for going to the place. And this is the *case of the* wound *actually* inflicted, and the graduation of intention is applicable[a] to it. Or lots are to be cast between them;[2] or *it is* to be division in two, *i.e.* besides oath.

If one did not intend *to inflict* any wound, but only to commit trespass, *and* if he has inflicted a wound, the 'eric'-fine for inflicting that wound shall be *paid* by him.

In this case a person went to a place for *the purpose of killing* an innocent man, and he met a guilty man and killed him, fine in respect of place *is due* by him to the innocent person against whom he went, (and that is the one-fourth of body-fine in 'cain'-law, equal to half body-fine in 'urradhus'-law). Or it was against a stranger he went, and the fourth of the body-fine of a native is half the body-fine of a stranger. And *he must give* proof respecting the half body-fine, that it was in the person of a culprit he killed him (*the stranger*).

My son, that thou mayest know when one man is legally considered as two,[b] and two are legally con-

[a] Ir. *Upon.*

[b] Ir. *In the condition of two.*

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be levied, whether the full 'eric'-fine, or the lesser with a graduated rate of increase; or the average of the two modes of computation is struck.

.i. da grad tar eise in aen graid bes airdiu], no dias i naentallaind for tir naenfir.

C. 1927. [A meic .i. a meic co raib a fis breṫ acat in inbaid bis in taenfear fo moam no fo grem na deise, in tairedesa dar eisi in da boaireċ medonaċ a firaib loige eneċ. Is aire do níther in cennaċ so do na gradaib ar daiġ loċta fira dagbail. Ocus dias i mam aenfir .i. dias fo maam no fo greim in aenfir, sic et occ. Fear congaib deide .i. fear congbus deide, na da boaire medonáca, .i. in tairedesa. No treide .i. na tri ocaire is ferr. .i. da grad .i. na da boaire medonaċa dar eise in aengraid as airde na caċ fer dib, in tairedesa .i. ingreim aireċdesa in dara boaire ocus bes comard fria ndis. No dias in aen tallaind .i. no dias for ferand in aenfir, ocus talla ann iat, in foltaċ fuirb, ocus an carbat ar imrum .i. in bobriugad.

In foltac̃ fuit̃ribe .i. is i folaid bis aice in tir bis fae .i. ferann aice ocus noc̃a nfuil crod; in carbat ar imram .i. crod̃ aiceside ocus noc̃a nfuil ferann.]

C. 1928-9. .i. In foltach fuit̃rime ocus in carrat ar imram is é a naichmeside: tír ceit̃ri sec̃t cuṁal ac in dara de, ocus ceit̃ri ba fichit ac araile, ocus comaenta do niat ó belltaine co belltaine. [Ocus cid fata beit i necmais a c̃eili noc̃a nfuil eneclann do neoc díb an ecmais a c̃eile no co ndernat in coindelg ata do reir dlig̃id̃, [ocus o do g̃enat], beirid cac̃ dib cin ocus dibad araili; ocus gabar athgabail caich i cinaid araili. Ocus muna dernad in coindelg atá do reir dligid̃, ní beir nec̃ dib̃ cin na díbad aráili Ocus ó do genat in coindelg ata eneclann in graid isa diabla toc̃usa uil acu doib .i. in boairec̃ medonac̃. Ocus is amlaid̃ itasid̃e doib̃ co na da c̃oibeiṡ maiṫ̃isa ris do

C. 1732.

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[1] *The 'aire-desa'-chief.*—That is, the 'aire-desa'-chief who has property equal to that which would qualify two men to be 'bo-aire'-chiefs, is for purposes of compurgation, &c., equivalent to two 'bo-aire'-chiefs.

[2] *'Carbat-ar-imramh'-stock-owner.*—The term 'carbat-ar-imramh' means literally 'moving chariot.'

sidered as one man; *this occurs in the case of* a man who possesses two or three *ranks,* i.e. two *lower* ranks in place of one higher rank, or two persons possessing[a] one holding upon the land of one man *are regarded as one person.*

[a] Ir. *In.*

My son: i.e. O son, that thou mayest know the judgment when one man is legally considered, or held responsible as, two persons, *i.e.* the 'aire-desa'-chief[1] equal to two middle 'bo-aire'-chiefs in the proofs of honor-price. The reason that this interchange is made of the grades is for the purpose of obtaining compurgators. And two are legally considered as one man, i.e. two are legally considered or held as one man, sic et occ. A man who possesses two, i.e. a man who holds two *ranks, those* of the two middle 'bo-aire'-chiefs, i.e. the 'aire-desa'-chief. Or three, i.e. the three best 'ogaire'-chiefs. That is, two ranks, i.e. the two middle 'bo-aire'-chiefs are equal to one rank higher than either man of them, *i.e.* the 'aire-desa'-chief, he has the status of the two 'bo-aire'-chiefs *in compurgation,* and he is as high as both of them. Or two *persons* possessing one holding, i.e. or two upon the land of one man, and they fit on it, *i.e.* the 'foltach fuithrime'-holder and the 'carbat-ar-imramh'-stock-owner,[2] i.e. the cow-'briughâdh.'

The 'foltach-fuithribe'-holder, i.e. the *only* property he has is the land which is under him, i.e. he has land but has not cattle; the 'carbat ar imramh'-stock-owner, i.e. he has cattle, but not land.

That is, the 'foltach fuithrime'-holder and the 'carpat ar imramh'-stock-owner are of this kind; the one has land of the value of four times seven 'cumhals,' and the other has twenty-four cows, and they make an agreement *to remain together* from May to May. And how long soever they may be apart from one another there is no honor-price due to one of them in the absence of the other unless they make a legal contract,[b] and when they do make *a legal contract,* they each bear the liabilities and *gain a title to* the effects of the other; and each of them is distrainable for the liabilities of the other. But if they have not made *such* a legal contract,[b] neither of them bears the liabilities of the other or *gains a title to* the effects of the other. And when they have made such *legal* contract they are entitled to the honor-price of the grade double whose property they possess, i.e. the middle 'bo-aire'-chief. And it is for this reason they have this because they do twice as much good with it (*their property*)

[b] Ir. *A contract that is according to law.*

THE BOOK OF AICILL. denum; no coibeis fris in mboaire is fearr nama; ocus muna dernat, ni fuil doiḃ oet screpall. Ocus da mbeiṫ ferann foċraca con carrat ar imram, is lan eneclann do cinmotha oċtmad a eneclainde.]

Cid fodera nach hi eneclann in graid ara toċus comlan uil aca doib .i. eneclann in boairech is ferr? Is e faṫ fodera: freisciri imscair ro bi etarru, uair muna beith ised ro biaḋ doib. Ocus o scerait, ocus o na biat imale, noco nfuil ni doib aċt screpall a nindracais, mára indraic; ocus munab indraic, noco nfuil ní.

C. 1929. [Noċa nfuil eneclann do neoc díḃ a ferṫain cneide for corp a ċéile, aċt mana roiḃ a dualgus ċairdusa claeċmoiḋe.]

Ma ro gatait seoit uaithib fris in ré sin, eneclann do ceċtar de ann fo aicned lai no cleithi, ocus in cutruma atá ar sceath laċta ocus gnimraiḋ do diri ocus daithgin na sét do comraind doib etarru, ocus a fuil ann o ta sin [amach] do brith don carbat ar imram.

C. 1733. [Noċa nfuil eneclann do neoch dib a ngait ḟeoit a ceili, aċt maine raib a dualgus laċta, no gnimraiḋ, no maiġne, no aiṫne, no feraind.]

C. 1930. [Már a dualgus coṁaitne, leṫ a maigin, ocus an aenmad rann fiċit a seċtair maigin.] Már a dualgus maigne, lan a fiadnaise, ocus leṫ a maigin, ocus in aénmad rann fichit a seċtar maigin; ocus is leis fein in ferann [a seċtar maigin] annsin, uair munab leis noco nfuil ní ind.

C. 1930. [Mara set aca ta laċt no gnimraḋ tallaḋ and, eneclann fo lu no fo cleiṫe don foltach fuiṫriḃe ar son

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[1] *Half-fine for precinct.*—That is if the cattle be stolen from an enclosed field, or place of lawful security; 'extern of precinct' means any place outside such enclosure.

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as he, or as much only as the best 'bo-aire'-chief; but unless they do *so* they are entitled but to a 'screpall.' If however the 'carpat ar imramh'-stock-owner has hired land, he has full honor-price except one-eighth of his honor-price.

What is the reason that they have not the honor-price of the grade whose full property they possess, i.e. honor-price of the best 'bo-aire'-chief? The reason of it is: there was an expectation of separation between them, for if there were not, it is that *(the rank of the 'bo-aire'-chief)* they would have. And when they do separate, and are not *any longer* together, they are entitled to nothing but a 'screpall' for their worthiness, if they be worthy; and if they be not worthy, they are not entitled to anything.

There is no honor-price *due* to one of them for the infliction of a wound on the body of the other, unless it be in right of mutual friendship.

If 'seds' have been stolen from them during that time, each of them shall have honor-price for it according to the nature of minor or major *value;* and the proportion of the 'dire'-fine or restitution of the 'seds,' which is in lieu of the milk and work, is to be divided equally between them, and all that remains from that out is to be taken by the 'carbat ar imramh'-stock-owner.

There is no honor-price due to one of them for the stealing of the 'seds' of the other, unless it be in right of milk, or work, or *breach of* precinct, or *cattle entrusted to his* charge, or land.

If *the honor-price is claimed* in right of joint charge, half-fine *is due* for precinct[1] *(enclosed field)*, and the one twenty-first for extern of precinct. If *the honor-price is claimed* in right of precinct, full *fine is due* for presence,[2] half for precinct, and the one and twentieth for extern of precinct; and the land is his own *(the 'foltach-fuithrime's)* as regards extern of precinct in this case, for if it be not his, there is nothing *due.*

If it be a beast that gives[a] milk or *is capable of* work that has been stolen, the 'foltach fuithribhe'-holder is entitled to

[a] Ir. *Has.*

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[2] *Full fine for presence.*—That is, if the cattle be carried off forcibly in the presence of the owner.

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a cota don laċt no don gnimrad; ocus in cutruma do formaċt laċt ocus gnimraḋ do dire for na seotaib, do comroinn doib etorru, ocus na fuil and o ṫa sin amaċ do breiṫ don carrat ar imram; no comad in dire uile do roind doib etorru, uair is a comaentaiġ do formaċt diri and.]

Mara seoit ac na fuil laċt na gnímraid rucad uaiṫib, nocon nfuil ní don foltaċ fuiṫrime deiseic, aċt muna fuil a dualgus comaithne; lán a maigin, ocus leṫ a sechtar maigin.

Mára foimrim sét do rined ann, is fiach foimrime do ceċtar de; no comad aen fiach foimrime doiḃ araen; a da trian don tí is a cin imar gabad, ocus aen trian don
C. 1734. tí [isa cin] im na gabad.

Mára athgabáil ro gaḃad dib, is fiach indligiḋ athgaḃála do ceċtar de, no com aen fiaċ indliġiḋ athgabala dóib araen, ocus a dá trian don ti isa cin imar gabad,
C. 1734. ocus aen trian [don ti isa cin] imnar gabad.

Mára ferann tallad ann, ferann aithgena and, ocus ferann diabulta; [ocus eneclann fo lu no fo cleithi don
C. 1734. carbat ar imram ar son a cota don feor; ocus in fer aithgina, ocus in fer diabulta do coimroinn no caithem doib etorru]; in ferann do berar ar son aithgena ferainn, ocus diablad ferainn do breiṫ don foltach fuiṫrime a aenur.

Mara techtisgad rucad isin ferann, is fiach techtaiġṫi

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[1] *The offence was not committed.*—The meaning seems to be, that two-thirds of

honor-price according to its nature of minor or major *quantity*, for his share of the milk or of the work; and whatever has been added to the 'dire'-fine by the beast's giving milk or *being capable of* work is divided between them, and the remainder *of the 'dire'-fine* is obtained by the 'carbat ar-imramh,'-stock-owner; or, *according to others*, the whole of the 'dire'-fine is to be divided between them, for it is from their joint assent the 'dire'-fine increased.

If it be beasts that do not give milk or work that have been stolen from them, the 'foltach fuithrime'-holder is not entitled to anything for it (*the theft*), unless it be in right of joint charge; full *fine* for *theft from* precinct *is due*, and half fine for *theft from a place* external of precinct.

If the offence committed is that of making use of beasts, a fine for *such* use is due to each of them; or, *according to others*, one fine for use *is due* to them both, two-thirds of which *belongs* to him to whose detriment it (*the offence*) was committed *for which the fine is received*, and one-third to the *other, i.e. to him* to whose detriment it (*the offence*) was not committed.[1]

If *unlawful* distraint has been made upon them, fine for such unlawful distraint *is due* to each of them; or, *according to others*, one fine for unlawful distraint *is due* to them both, and two-thirds *belongs* to him to whose detriment it (*the offence*) was committed *for which the fine is received*, and one-third to him to whose detriment it was not committed.

If it be their land that has been *unlawfully* seized, land of equal value, and double land *shall be recovered* for it; and honor-price according to minor or major *value is due* to the carbat ar imramh'-stock-owner for his share of the grass; and the grass *given* as restitution, and the grass *given* as double shall be divided equally or consumed between them; *and* the land that is given as restitution for the land, and *as* double of the land shall be obtained by the 'foltach fuithrime'-holder alone.

If it be cattle to take possession[a] that have been *unlaw-*

[a] Ir. *Taking possession.*

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the fine shall belong to him whose portion of the property has been injured, and one third to the other whose property has not been injured.

tire co cund co coibne, no cen cunn cen coibne ind; ocus cutrum̃us lan feich duine c̃aiche no let̃ fiach duine caiche do seic do comroind doib eturru, ocus a fuil ann o t̃a sin amach do brit̃ don foltach fuithruime a aenur. C. 1932. [Fiac tec̃tait̃e se ba do na huaislib, ocus tri ba do na hislib̃, ocus dilsi nairme .i. cac̃ ní berar do tec̃tugad̃ a dilsi dfir bunaid̃.]

In fiach fotbaig, ocus in fiach forscaich na luachra, ocus in fiac̃ forloisct̃e, ocus in fiach foimrime, ocus in fiac̃ forcraid foimelta for oin; cuic seoit in cac̃ ní dib, ocus a comraind doib eturru.

Mára connad no clarad no caelach, cuic seoit ind, ocus a comroind doib eturru.

Mara fer ro cait̃ed ann, fiach duine c̃ait̃i do roind doib etarru.

Mára clac̃a no uisci, is cuic seoit, ocus a comroind doib eturru.

Mara iasc tallad̃ ann, mas a tig is diablad and ocus eneclann, ocus a comraind doib eturru. Mas as in tsrod is cuic seoit, no comad̃ cethri, ocus a comroind doib eturru; C. 903. [no cumad cuic seoit isin iasc imuig̃, ocus diablad mad a tig̃; no dono c̃ena comad cúic seoit isin iasc do grés, cid bé inad as a ngataid̃t̃ea hé.]

Mara fed̃a ro tescad and, mara fed̃a ar a fuil mes iat, in cutruma ata ar scath bair do dire ocus daithgin

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[1] *Man-trespass.*—That is the trespass which a human being commits, as distinguished from that which a beast commits.

fully put into the land, the fine for taking possession of land *unlawfully*, whether with reason and family claim, or without reason and family claim, shall be *recovered* for it; and a proportion of it equal to full fine for man-trespass,[1] or half-fine for man-trespass, shall be divided equally between them, and the remainder shall be obtained by the 'foltach fuithrime'-owner alone. The fine for *unlawfully* taking possession *of land* is six cows from nobles, and three cows from the inferior grades,[a] and forfeiture of the stock, i.e. whatever *stock* is brought for the purpose of taking possession is forfeited to the owner of the land.

As to the fine for sod-cutting, and the fine for cutting rushes, and the fine for burning *land*, and the fine for using *a beast*, and the fine for over-using a loan: five 'seds' is *the fine* for each of these, and they (*the joint owners*) divide them equally between them.

If it be firewood or boards or wattles *that have been stolen*, there is *a fine of* five 'seds' for it, and they *as above* divide it equally between them.

If it be grass that has been consumed, *there is* a fine for man-trespass *for it*, to be divided equally between them.

If it be stones *that have been taken away* or water, there is *a fine of* five 'seds' *for it*, and it is to be divided equally between them.

If it be fish that has been taken, if from a house there is double *fine* for it, and honor-price, *which are* to be divided equally between them. If *it was taken* from a weir[2] there is *a fine of* five 'seds,' or, *according to others*, four, *for it*, and they divide it (*the fine*) equally between them; or, *according to others*, it (*the fine*) is five 'seds' for the fish outside, and double *that for taking it*, if in a house; or else indeed the fine is five 'seds' always for *stealing* fish, from whatever place it has been stolen.

If it be trees that have been cut, and if they be trees on which there is fruit, the proportion of 'eric'-fine for the top

[a] Ir. *The low.*

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[2] For the reading in the text, "maꞃ aꞃ ın ꞇꞃoꝺ," C. 1735 has "maꞃ a coꞃaıꝺ ꞃo ᵹaꞇaḋ é, if it was from a weir it was stolen."

na fed do comroind doib eturru; ocus a fuil ann o ṫa sin amach do briṫ do foltach fuiṫrime a aenur.

Mara mestallad ann: mara barr is éiric barr do comroind doib eturru. Mas do lar, mas ar daigin a caiṫme do dainib, is diablad ocus eneclann; más ar daigin a caithme dindillib, is lan fiaċ duine caiṫe, ocus a comroind dóib eturru.

C. 903. [Mara tuigi, a fégaḋ cá fáth fis i raibe ac fir bunaiḋ hí; aċt más dá loscad, is cuic seoit; mas dá caithium dindeilib, is fiach duine ċaithe; más da buain fo daínib, is diablad;] ocus ailia familia.

C. 1933–4. [A meic, ara feiser fiachu marria. Aen arra i leth cumail, deide i cumail, treide i cumala, .i. trian bo, trian each, trian airgit; trian do damaib i triun bo, trian do boininn i triun each, triun do ansolam i triun airgit, .i. uma indiu.

A meic .i. a meic, co raib a breṫ acat na fiaċa amail erneaḃa. Aen arra .i. ba, no eiċ, no airget. Deide .i. ba ocus eiċ, no eiċ ocus airgit. Treiḋe .i. ba ocus eiċ ocus airgit. Trian do damaib .i. trian do na damaib issed dlegar do beiṫ a triun na mbo .i. anarra leis na daim in uair is aimsir lacta ocus naċ aimsir gniṁa.

Ruidles ċoirpdiri in treiḋi so; ocus ruidles eneclainni do rigaib in taen arra airgid, amail asberar a cain fuiṫrime; no amail asberar a cain patraic: gella ba do

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[1] *One kind of goods.*—'Arra' means the thing itself, or a thing similar to what was injured, stolen, or destroyed; 'anarra' means a different thing as, e.g., a horse or a cup, in place of a cow.

[2] *Cain Fuithrime.*—According to C. 278, this was a code of laws composed by Amairgin Mac Amalgaid, and promulgated at Fuithrime Cormaic, at Lough Lein

(*the fruit*) and the compensation for the trees are divided equally between them; and that which remains (*the stock*) is obtained by the 'foltach fuithrime'-owner alone.

If it be fruit that has been stolen: if it be *from* the top, it is 'eric'-fine for the top which they divide equally between them. If *stolen* from the ground, *and* if it be for the purpose of being eaten by people, there is double *fine* and honor-price *for it;* if *stolen* for the purpose of being eaten by cattle, there is full fine for man-trespass *for it,* and they divide it (*the fine*) equally between them.

If it be straw *that has been stolen,* it is to be considered for what purpose the owner had it: if it was to burn it, there is *a fine of* five 'seds' *for it;* if to be consumed by cattle, there is a fine for man-trespass *for it;* if to be put *as beds* under people, there is a double *fine* for it; and ailia samilia.

My son that thou mayest know how fines *and debts* should be paid. One kind of goods[1] *is to be given* in *a fine of* half a 'cumhal,' two in *a fine of* a 'cumhal,' three in *a fine amounting to* 'cumhals,' viz. one-third in cows, one-third in horses, one-third in silver: one-third of oxen *is to be* in the third of cows, one-third of mares in the third of horses, one-third of 'anfolam'-mixture in the third of silver, i.e. copper in them.

My son: i.e. my son, that thou mayest have a judgment of how fines shall be paid. One kind of goods: i.e. cows or horses or silver. Two: i.e. cows and horses, or cows and silver. Three: i.e. cows and horses and silver. One-third of oxen: i.e. it is required by law that there should be one-third of oxen in the third of cows, i.e. goods of a different kind with the oxen when it is the time of milk and not the time of work.

These three things are lawful in *the payment of* body-fine; and the one 'arra'-article of silver is lawful in the payment of the honor-price of kings, as it is said in the 'Cain Fuithrime;'[2] or, as it is said in the 'Cain Patraic'[3]:—

(Lakes of Killarney), by Fingaine, son of Cae Cinmathair, King of Munster, whose death is mentioned by the Annals of the Four Masters at 694 A D.

[3] *The Cain Patraic.*—That is, The 'Senchus Mor.'

airgid gella airgid ind; amail asber a nurradus, forret̆ arra anarra.

Trian do boininn .i. trian do na lartaċaib isseḋ dlegar do beiṫ a triun na neċ .i. anarra leis na lartaċa in tan is aimsir erma ocus naċ aimsir treobṫa. Trian do ansolam .i. do ni naċ solam do gabail isseḋ dlegar do bet̆ i triun airgit .i. mulloca ocus siṫla treuillendaċa ocus srein. .i. uma indiu .i. uma ina fiu dibside, no uma indiu eisec, cid ansolam in la sin.

Cret ar a fuil in treiniugad̆ so? in ar eiscib fogla, no in ar fiac̆aib cuir no cunnrada? Is ar eiscib̆ fogla am̆; ocus is aire do nithar in treiniugad̆ so orra, comad luat̆aide do soisdís a feich dfeic̆emain toic̆ida, ocus comad usaidi do bidbaid a fagail. Ocus cid do aen fiac̆aib̆ do giabta iat, ní bud urcuillte, uair na feic̆ cuir ocus cundrada is aen arra intibseic. No is amlaid ro hac̆taiged a nic fein. Da raib ac̆tugad orra, is a nic amlaid̆, ocus muna raib, is foreit̆ arra anarra. Eric fog̃la sin; ocus mara eiric cuir no cunnart̆a, is aen arra inntib. Ac̆t ma
C. 904. ta ac̆tugad i coraib beil ann, is á beit̆ ar in ac̆tugud
O'D. 664 sin; muna uil [ac̆tugad and] itir, is a beit̆ ar in ac̆tugud ata do reir dligid̆. [Ocus as e ac̆tug̃a a deir dlig̃e], .i. a da fis araen no a da nanfis araen do riagail sis ime; no fis ag in tí dar gellad ocus anfis ag in tí ro g̃ellustár. Is ann sin ata forret̆ arra anarra, ac̆t imtó cac̆ a dinnlim̆e. Is ann sin ata a roga anarra don feic̆eamain toic̆eda. Mára ḟis ag in tí ro geallustar, ocus anfis ag in ti dar gellad, is annsid̆e ata, crenar od̆ar airlicther, 7rl.

Seoit sin áirit̆i ro g̃ellustar in duine in i nam airit̆i

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[1] *The knowledge or ignorance of both.*—That is, of the parties to the contract. This seems to be a quotation from some law maxim.

" for the pledges in silver silver must be forthcoming;" *or* as is said in 'urradhus' law "an 'anarra'-article goes for an 'arra'-article."

One-third in mares: i.e. it is required that there should be one-third of mares in the third of horses, i.e. 'anarra'-animals with the mares when it is time of riding and not time of ploughing. **One-third of 'ansolam'-mixture**: i.e. it is required that there should be in the third of silver, one-third of that which is not ready to be taken, i.e. bowls and three-cornered cups and bridles. **Copper in them**: i.e. the worth of them in copper, or it is copper to-day ('ınꝺıu'), though they were not ready *to be taken* that day.

Of what is there this triple division made? Is it of 'eric'-fines for trespass, or of bargain and contract debts? Of fines for trespass verily; and the reason why this triple division is made of them is, that the plaintiff might the more readily recover his debts, and that the defendant might the more easily procure them. But though it were in one kind of commodity[a] they (*bargain and contract debts*) were procured, there would be no objection, for debts of bargain and contract are *paid for* in one kind of goods. Or, there was an agreement that they should be so paid; if there was an agreement about them, they are to be paid accordingly, and if there was not, let 'anarra'-articles be given for 'arra'-articles. That is, *in cases of* 'eric'-fine for trespass; but if it be 'eric'-fine for bargains or contract, one kind of goods is *to be given* for it. If however there be a verbal agreement about it (*the contract*), it is to be according to that agreement; if there be not an agreement, it is to be treated as a stipulation according to law. And the agreement the law speaks of is, "the knowledge of both or the ignorance of both[1] is to be the rule in the case;" or *it may be* that the person to whom the promise was made had knowledge and the person who made the promise had not knowledge. It is here "an 'anarra'-article goes for an 'arra'-article," but let everyone get his due. In this case the plaintiff has his choice of 'anarra'-articles. If *it be a case wherein* the person who made the promise had knowledge, and the person to whom the promise was made had not knowledge, then *the rule* is "let him buy, hire, borrow," &c.[2]

In this case the person had promised particular 'seds' at a particular time, and he was certain that he could not

[a] Ir. *Debts*

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[1] *Let him buy, hire, borrow, &c.*—A quotation from some law maxim.

ann sin, ocus cinnti leis na fuiğbet̆ iat uair a ngeallta, ocus dait̆e indligid̆ air cin co rabat aige iat, urailíd dliğed air a ceannac̆ cin gu beit̆ aice iat.

C. 905. [In bail ita Cac̆ fiac̆ach dogo, nogu ra gellustar duine séd airid̆e andsid̆e, ac̆t log a cruid don feichemain toichida di na setaib da fuidbed; ocus ma ta anarra as ingairiu iná c̆eile i seilb bidbaid, gurab ed do bérad don feichemain toicheda. [Daithi andligid̆ air im gan séd C. 1739. airithe dfonaidm], ocus is and sin ata a roga a seilb bidbaid̆.

Na féich cuir ocus cundart̆a uile is a mbeit̆ amail ro hac̆taiged iad.

Mad ro hac̆taiged féich airide ann is a níc.

Mad ro hac̆taiged a nic a ninad airide is a níc is a ninad sin.

Manar hac̆taiged a níc a ninad airide, ségib inad is in crích trichaid céd a ndlestar iad, dlegur dosom dul ar a cend, ocus mes ocus focul na críche sin do tobartar re sétaib, ac̆t mana roib bidbanas do and.

Ocus ní head̆ dárab a aithféğad̆ cia bidbanas he, an C. 1937. bidbanas scart̆ana anma [re corp] hé, no in bidbanas etarscart̆ana a sét re nech. Mára bidbanas scart̆ana anma C. 1937. [re corp] hé, nocho dlegar dosum dul amach, ac̆t a ḟeoit didnacul do dia t̆iğ, ocus mes ocus focol a criche féin dó leo.

Mára bidbanas etarscart̆a a sét re nech, dlegar dosum dul amach; ocus in fer amaich dindlucad a sét C. 1937. leis [amach, ocus a comairce céin bes ag a tobac̆; ocus] C. 1937. mes ocus focul na críche imuich do re sétaib]. [Eiric c̆uir no cunnart̆a sin; ocus mara eiric fogla, a nid̆nacul

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[1] *What is in his possession.*—That is, to give the plaintiff the 'anarra'-articles most convenient to himself.

[2] *And to take.*—For "Tobartar, giving or taking," C. 1937, reads "do t̆abairt do, to be given to him."

procure them at the time of promising them, and it is *to punish him* for his illegal conduct because he had them not that the law compels him to purchase them when he has them not.

When it is said "every debtor *has* his choice," the person did not in that case promise a particular ‘sed’, but *that he would pay* the value of his property to the plaintiff in any ‘seds’ he could find; and if the defendant has in his possession any ‘anarra’-article more convenient than another, he gives it to the plaintiff. This *is allowed,* to punish him for his illegal conduct in not having bound *him to give* a particular article, and it is in this case the defendant has a choice of *giving* what is in his possession.[1]

All debts of bargain and contract are to be according as they were agreed to.

If particular debts have been agreed upon they must be paid.

If it has been agreed upon to pay them at a particular place they must be paid at that place.

If it has not been agreed upon to pay them at a particular place, the creditor is bound to go for them to whatever place in the ‘tricha ched’-division they are due at, and to take[2] the estimation and award of that territory respecting the ‘seds’ *offered in payment,* unless any enmity exist towards him there, *and if so he need not go thither.*

And it is a thing to be considered what *kind* the enmity is, whether it is deadly enmity,[a] or enmity which might lead to his being robbed.[b] If it be deadly enmity,[a] he is not bound to go out, but the ‘seds’ are to be sent to him to his house, and he is to have the arbitration and award of his own territory respecting[c] them.

If it be enmity which might lead to his being robbed,[b] he is bound to go out; but the man outside (*the debtor*) *is* to escort him out with the ‘seds,’ and protect him while levying them; and he shall have the arbitration and award of the outer territory respecting the ‘seds.’ This is *a case of* eric’-fine for bargain and contract; but if it be *a case of* eric’-fine for trespass, they (*the goods*) are to be conveyed

[a] Ir. *Enmity of separating soul and body.*

[b] Ir. *Enmity of separating ‘seds’ from a person.*

[c] Ir. *With.*

co ruice a tech, ocus a cunnamain ğa t̆iğ; no gura cunnamain iat.

C. 1937–8. A meic ara feiser fear assen ni na torgaib, ocus
fer do ragaib ni nad eren? .i. fer turgaire druith
is é assen a cinaid; noch islan in fear forich, in
C. 1740. druth, ar is é ag insin assenar [compaiti] na com-
paite la fear aridrean.

A meic ara feiser .i. a meic, co raib a fis breṫ acat in fear ernes na fiaċa amaċ, ocus noċa né do rine targabail cinad, coḋnaċ tairriaċad. Ocus fear .i. in fear do roine torgabail cinad, ocus noca ne ernes na fiaċa. .i. fer .i. fer tairriaċaḋ in druiṫ, aithgin fair in tan is coḋnaċ gá toirriaċa; ocus iss as sin is follas in cin tuillter tre nech co ndligenn se a íc. Assen .i. icas. Noch islán .i. noċ setim no noċ innsaigim conad slan in fer fuaċtnaiges in druṫ, in tan is coḋnaċ ac tairriaċaḋ tra. Ar is é .i. ár is é cin ann sin i nuasal comerniṫer feiċ ocus noċa raibe comimraḋ denma na fogla cos in tí ernes na fiaċa.

.i. Cuin deiligter é ma áis in drut̆ é no in gaet̆? Sec̆t mbliadan am.

Ocus cuin deiligter aturra am ais, in drut̆ e, no in fear let̆ cuind? .i. a cinn cet̆ri mbliadan deg am. Ocus ma ro hicad a cinaid fris in re sin resiu ro fes in gaet̆ é no in drut̆, ma ro hicad imarcraid ann for aithgin, is a hairic amuic̆ for cula. Ocus cin co roisid don ac̆t curad for in ecodnach da frisciter ciall codnaiğ, ac̆t aitgin uadsum .i. on drut̆.

Cia hairet coimetar ferann in druit̆ cin a comroinn dia fine? .i. co cuicear; ocus comroinn cric̆i dilsi fair ó sin amac̆; ocus a cinn ceta bliadan beas mac codnaid̆ ac an drut̆, is aisec a ferainn do for cula. Ocus cinntec̆ ar ecinntec̆ sin.

[1] *As far as five persons.*—That is the full period of five successive occupants.

to his house and kept at his house; or, *as some say*, they need not be kept at his house.

O son, that thou mayest know when a man pays what he has not incurred, and a man commits a crime which he does not pay for; viz. the man who incites a fool is he who pays for his crime; in which case the man who commits the crime, *i.e.* the fool, is exempt, for this is the instance in which fines of design are paid, and the man who pays had not design.

O son, that thou mayest know: i.e. O son that thou mayest have knowledge of judgment *when* a man pays out the fines, and he was not the person who committed the crime, *this is the case of* the inciting sane adult. And a man *commits*, i.e. *the case of* the man who committed the crime, and it is not he that pays the fines. Viz. the man, i.e. the man who incites the fool, he shall make restitution when it is a sane adult that incites; and from this it is evident that a person must pay for the crime which is committed through him (*his instigation*). Pays, i.e. discharges. Is exempt, i.e. I maintain or insist that the man who commits the crime, *i.e.* the fool, is exempt, when he who incites is a sane adult. For it is *the instance*, i.e. for this is the crime for which fines are nobly paid when the person who pays the fines had no intention of committing the crime.

That is, when is it discriminated by his age whether he is a fool or a sensible person? *At the end of* seven years exactly.

And when is it discriminated by age whether he is a fool or a person of half sense? That is, at the end of fourteen years exactly. And if his crimes were paid for during this period, before it was known whether he was a sensible person or a fool, *then* in case too much was paid as compensation, it is to be paid back outside (*by those who got it*). And if only chastisement was inflicted on the infant who is expected to come to the use of reason, *there is* only compensation *to be made* by him, i.e. the fool.

How long is the land of the fool kept without being divided by his family? That is, as far as five persons;[1] and the division of a forfeited land is made of it from that out; and *if* at the end of a hundred years a sensible son should be *born* to (*descended from*) the fool, the land shall be returned to him again. And this is "certain for uncertain."

THE BOOK OF AICILL.

C. 906–1939. [Compaiti nád compaiti in compaiti aithfégṫar and .i. compaiti in bualad, nad compaiti acṫ esba in tairriacha. ⁊ compaiti in druith ícaidther na féich.]

Fer co cinaid can cinaid, ocus fer can cinaid co cinaid aithfégṫar ann. Fer can cinaid imon mbualad in codnach tairriaċta, co cínaid im íc na fiach; fer co cinaid in druṫ bualta imon mbualaḋ, cen cinaid im íc na fiach.]

C. 1939. [O bus] orgain airleċta in druith ar a aigid fein a aenar, cin aḋbar, cin bidbanas, is ann is teċta caċ druit
C. 1939. [do ṫiḋnacul amaċ] ina cinaid; no assen a fine aiṫgin ar a eisi, no in ti oca ta. Cen adbar sin; ocus ce beiṫ adbur
C. 906. [ocus bidbanas], is e in cedna, [uair noco scuirenn adbar
C. 1740. ni dfir duisci do gres]; ocus urail gan timgaire uil ar [an] druth and sin.

Masa codnach ac toirriachad, ocus druṫ ac bualad, aithgin ar in codnach toirriachda, ocus slan druṫ buailti. Cen adbar cen bidbanus sin. Ma ta bidbanus, leṫaithgin ar cechtar de. Ma tait mar aen adbar ocus bidbanas, cethruime for codnach toirriachta, ocus teora cethruime for druṫ mbuailte.

Masa codnach ac duscad, ocus druṫ ac bualad cen
C. 1940. adbar, cen bidbanus, trian for codnach nduisci, [ocus]

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[1] *Considered here.*—That is, a crime within the meaning of this doctrine or paragraph, i.e. the actual blow (by the fool) is intentional; the inciting of the fool by the third party is not done with the serious intent or expectation of the blow being struck.

[2] *A criminal man without crime, &c.*—That is, the case of a man subject to the consequences of a criminal act, but not morally guilty, and of a man actually and morally guilty of it, but not subject to the consequences of the crime, is here considered.

A wilful crime which is not *in point of fact* a wilful crime is the wilful crime considered here,[1] i.e. the striking is intentional, the inciting is not intentional but *is done through* folly. It is for a premeditated crime of a fool the fines are paid.

A criminal man without crime,[2] and a man of crime without criminality, are considered in this case. The sensible adult who incited is the man without crime as regards the striking, *but is* criminal[a] as to the payment of the fine; the fool who struck is the man of crime as regards the striking, but is without criminality as to the payment of the fines.

When a fool has committed a furious assault alone, of his own accord, without cause, without enmity, it is then lawful to give every fool up for his crime; or, *according to others,* compensation must be paid on his account by his family, or the person with whom he is. That *was* without cause *or enmity;* but though there should be cause and enmity, it would be the same *as regards the inciting person,* for cause does not take aught from[3] *the liability of* the inciting man at all, and this though he only requested and did not compel the fool *to the assault.*

If a sensible adult incites *a fool to commit an assault,* and a fool commits the assault, the inciting sensible adult pays compensation, and the fool who committed the assault is free. This *is when there is* no[b] cause and no[b] enmity. If there be enmity, each of them[4] pays compensation. If there be both cause and enmity, the inciting sensible adult pays a fourth *part of the compensation,* and the fool who committed the assault three-fourths.

If a sensible adult incites, and a fool assaults without cause, without enmity, the sensible adult pays a third *of the compensation* for the inciting, and the fool two-thirds for

[a] Ir. *With crime.*

[b] Ir. *Without.*

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[3] *For cause does not diminish.*—That is, the existence of any cause which would predispose the fool the more readily to commit the assault at the instigation of the third party.

[4] *Each of them.*—The fool and the sane adult, i.e. the fool is to be considered as a *particeps creminis* if he is predisposed himself to commit the assault.

da trian for druth mbuailti, cen adbar cen bidbanus. Ma ta bidbanus, seised for codnac̄ nduisce, ocus cuic seisid aile ar drut̄ mbuailti. Ce beit̄ adbar issed an C. 2171. cetna, [uair] noca scoirenn adbar ní dfir duisci do gres.

Masa codnac̄ ac duscad̄, ocus codnac̄ ac toiriachad, ocus drut̄ ac bualad, trian for codnach nduisci, ocus da trian for codnach toirriac̄ta, ocus slan druth buailti. Cen adbar cen bidbanus sin; ocus ma ta bidbanus, seised for codnac̄ nduisci, trian for codnac̄ toirriac̄ta, let̄ aithgin ar drut̄ mbuailti. Ma ta adbar ocus bidbanus, séised for codnac̄ ndúisci, séised aile ar codnac̄ toirriac̄ta, da trian ar druth mbuailti.

C. 1742. [Imach do foḡlaiditar andsin, ocus damad etorra bud̄ein tall, in cutruma ro hícfaitsim re taeb sin amach co na fearthain dosum for nech eile, gurab é in cutruma sin ícthar risium anosa; ocus in cutruma ro ícfadsom re taeb sin cona fearthain doibsim for nech eile, gurab é in tainmrainde sin bus esbad̄ach uad̄som inosa.]

Cid fodera co scuirenn adbar ocus bidbanas ní dfir toirriac̄ta, ocus co nac̄ scoirenn ac̄t bidbanus nama ní dfir duisce? Is e fat̄ fodera, ro batur mar aen aici, C. 908. [ic druth], adbur ocus bidbanus, resiu do rine fer toirriac̄ta a toirriac̄ad̄, ocus coir ce ro scoirdis mar aen ní C. 1742. de; noc̄o roibi ac̄t bidbanus [nama] aici ar cind fir duisci, ocus coir cen co scoired ni de ac̄t in lan ro baí air ar a cind .i. bidbanus.

Cid fodera co scuirenn fer duisci ní dfir toirriac̄ta, ocus co na scoirenn fer toirriac̄ta ní dfir duisci? Is e

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[1] *The proportion which he pays now.*—That is, if the assault has been committed among the members of the tribe.

[2] *That which was on him.*—That is, the portion of the fine which the fact of the fool's having enmity towards the man assaulted, would render the fool liable for.

assaulting, without cause without enmity. Should there be enmity, the inciting sensible adult pays one-sixth *of the compensation,* and the fool who committed the assault the other five-sixths. Though there should be cause it is the same, for cause does not at all diminish the inciting person's liability.

If a sensible adult rouses *him,* and a sensible adult incites *him,* and the fool commits an assault, the sensible adult who roused him pays one-third *of the compensation,* the sensible adult who incited him two-thirds, and the fool who committed the assault is free. *In* this *case there was* neither cause nor enmity; and should there be enmity, the rousing sensible adult pays one-sixth, the inciting sensible adult one-third, and the fool who committed the assault, one-half of the compensation. Should there be cause and enmity, the rousing sensible adult pays one-sixth *of the compensation,* the inciting sensible adult another sixth, and the fool who committed the assault, two-thirds.

Outside (*in another territory*) the assault was committed in the *above* case, but had it been between themselves within, the proportion he would pay in respect of it out (*to the strangers*) and for his committing it on another person, is the proportion which is paid by him now[1]; and the proportion which he would pay in respect of it for their inflicting it on another person is the proportion which is subtracted from him now.

What is the reason that cause and enmity subtract part from *the liability of* the inciting man, and that nothing but enmity subtracts part from *the liability of* the rousing man? The reason of it is, he, the fool, had them both, cause and enmity, before the inciting man incited him; and it is right that both should take something off him (*the inciting man*); he had but enmity only before he was roused, and it is right that nothing should take anything off him (*the rousing man*) but that which was on him[2] (*the fool*) before *he roused him,* viz. enmity.

What is the reason that the rousing man takes something off *the liability of* the inciting man, and that the inciting man does not take anything off *the liability of* the rousing man? The reason is, the full *fine* had already been in-

in faṫ fodera, ro reiṫister a lán cena for fer nduirci, riasiu do rine fer toirriaċta a toirriaċtaḋ, ocus in lan ro reiṫistar air coir cen co scoired ní de.

Mara druth ac toirriaċtaḋ ocus druth ac bualad, conrannat baiṫ baegal: is leth aithgin ar cechtar de. Cen adbar cen bidbanus sin. Ma ta bidbanus, cethruime ar druṫ toirriaċta, teora cethruime ar druṫ mbuailti. Ma ta adbar ocus bidbanus, oċtmaḋ ar druṫ toirriaċta, na seċt ranna aile ar druth mbuailti.

Mara druṫ ac duscaḋ ocus druth ac bualaḋ, seised ar druth nduirci, ocus a cuic seisid ar druth mbuailti. Cen adbar, cen bidbanus; ma ta bidbanus, aili dec ar druth nduirci, aenn rann dec ar druṫ mbuailti. Ce beṫ adbar, issed a cetna, uair noco scoirenn adbar ní dsir duirci.

Sic.

Mara druth ac duscaḋ, ocus druṫ ac toirriaċtaḋ, ocus druṫ ac bualaḋ, seised ar druṫ nduirci, trian ocus aile dec ar druṫ toirriaċta, trian ocus aile dec ar druth mbuailti. Cen adbar cen bidbanus sin; ma ta bidbanus, aile dec ar druṫ nduirci, seised ocus in cethruime rann fichit ar druth toirriaċta, lan o ṫa sein amach ar druth mbuailti. Ma ta adbar ocus bidbanas, aili dec ar druth nduirci, aili dec acus in oċtmaḋ rann cethrachat for druth toirriaċta, lan o ta sin amach ar druth mbuailti. No, comad cuic ranna do denum don aithgin sunn, ocus is e fath ara ndentar sin comud a triun do beṫ druth duirci do gres re druth toirriaċta, amuil ata codnach duirci truas a triun re codnach toirriaċta.

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[1] *The fine.*—This is a quotation from some ancient law-book.

[2] *And one-twelfth.*—The MS. here has "one-eleventh," but the context shews that the true reading should be "one-twelfth."

curred by the rousing man, before the inciting man caused the incitement, and it is right that the full *fine* incurred by him should not in any way be lessened.

If a fool incites and a fool assaults "let fools divide the fine[a];"[1] there is half compensation from each of them. *In* this *case there was* neither cause nor enmity. Should there be enmity, *the fine is* one-fourth *of compensation* upon the inciting fool, *and* three-fourths upon the assaulting fool. Should there be cause and enmity *the fine is* one-eighth *of compensation* upon the inciting fool, and the other seven parts upon the assaulting fool.

[a] Ir. *Risk.*

If a fool arouse and a fool commit an assault, *the fine is* one-sixth *of compensation* upon the rousing fool, and five-sixths upon the assaulting fool. *Here there was* neither cause nor enmity; *and* should there be enmity, *the fine is* one-twelfth *of compensation* upon the rousing fool, *and* one-twelfth[2] upon the assaulting fool. Though there should be cause, it is the same, for cause *on the part of the fool* does not take any thing off the rousing man.

Should it be *a case of* a fool arousing, and a fool inciting, and a fool committing an assault, *the fine is* one-sixth of *compensation* upon the rousing fool, one-third and one-twelfth upon the inciting fool, and one-third and one-twelfth upon the assaulting fool. *There was* neither cause nor enmity *in* this *case; and* should there be enmity *the fine is* one-twelfth *of compensation* upon the rousing fool, one-sixth and one-twenty-fourth upon the inciting fool, *and* the full remainder upon the assaulting fool. Should there be cause and enmity *the fine is* one-twelfth *of compensation* upon the rousing fool, one-twelfth and one-forty-eighth upon the inciting fool, *and* the full remainder upon the assaulting fool. Or, *according to others,* the compensation in this case is to be divided into five parts, and the reason why that is done is that the rousing fool might have *to pay* a third always *as between himself* and[b] the inciting fool, just as the rousing sensible adult *in the case* above *mentioned pays* a third *as between himself* and[a] the inciting sensible adult.

[b] Ir. *To.*

Cach uair is cuic ranna do nit̆er don aithgin, cuiced̆ ar druth nduisci, da cuiced ar druth toirriac̆ta, da cuiced ar druth mbuailti. Cen adbar cen bidbanus sin; ocus ma ta bidbanus, dec̆mad ar druth nduisci, cuiced ar druth toirriac̆ta, lan o t̆a sin amach ar druth mbuailti. Ma ta adbar ocus bidbanus, dec̆mad̆ ar druth nduisci, dec̆mad̆ ar druth toirriac̆ta, ceit̆ri cuicid ar druth mbuailti.

Cid be codnac̆ uili do ne in toirriac̆ad̆, is cutruma scoíres ait̆hgin do druth, cid codnac̆ urraid̆, cid codnac̆ deoraid̆, cid codnac̆ murcairt̆e, cid codnac dair. Aithgin
C. 910. for codnac̆ nurraid̆ [i nduine, ceit̆ri sec̆tmaid ar codnac̆ deorad, da sec̆tmad ocus in cet̆ramad rand dég] na aithgena for codnac̆ murc̆airti, sec̆tmad̆ na aithgena for codnac̆ ndair.

Ci be egcodnac̆ uile do ne in toirriac̆ad̆, is cutruma scoires let̆ aithgin do druth, cid eccodnac̆ murcairt̆i, cid eccodnac̆ dair.

C. 911. [Let̆ aithgin for mac i nais ica let̆ dire urraid, ceit̆ri sec̆tmaid na haithgina for mac i naís íca let̆ dire deorad, da sec̆tmad ocus in cet̆rama rand deg na let̆ aithgina for mac i naís íca let̆ dire murchurt̆a, sec̆tmad na let̆ aithgina for mac i naís íca let̆ díre daír, da tecma.]

Sechtmad na let̆ aithgena for mac i naes ica aith-
C. 911. gena [urraid]; ceit̆ri sec̆tmaid sec̆tmaid na let̆ aithgena for mac i naess ica aithgena deoraid̆; dá sec̆tmad ocus in cethruime rann dec sec̆tmaid na let̆ aithgena for mac

Whenever the compensation is divided into five parts, one-fifth *is the fine* upon the rousing fool, two-fifths upon the inciting fool, *and* two-fifths upon the assaulting fool. This *is when there is* neither cause nor enmity; but should there be enmity, one-tenth *of the compensation falls* upon the rousing fool, one-fifth upon the inciting fool, and the full remainder upon the assaulting fool. Should there be cause and enmity, *the fine is* one-tenth *of compensation* upon the rousing fool, one-tenth upon the inciting fool, *and* four-fifths upon the assaulting fool.

Whatever sensible adult has incited *a fool*, whether he (*the inciter*) be a sensible native freeman, a sensible stranger, a sensible foreigner, or a sensible 'daer'-man, the compensation *due* of the fool is alike diminished. Compensation *in full is the fine* upon the sensible native freeman for *injury to* the person, four-sevenths *of it* upon the sensible stranger, two-sevenths and one-fourteenth of the compensation upon the sensible foreigner, one-seventh of the compensation upon the sensible 'daer'-man.

Whatever non-sensible person has incited *a fool*, whether he (*the inciter*) be a non-sensible native freeman, a non-sensible stranger, a non-sensible foreigner, or a non-sensible 'daer'-man, the compensation *due* of the fool is diminished equally.

Half compensation *is the fine* upon a youth at the age of paying the half-'dire'-fine of a native freeman, four-sevenths of the compensation upon a youth at the age of paying the half-'dire'-fine of a stranger, two-sevenths and one-fourteenth of half the compensation upon a youth at the age of paying the half-fine of a foreigner, one-seventh of the half compensation upon a youth at the age of paying the half-'dire'-fine of a 'daer'-man, should it (*such a case*) occur.

A seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a native freeman; four-sevenths of a seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a stranger; two-sevenths and one-fourteenth of a seventh of the half compensation *is the fine* upon a youth

THE BOOK OF AICILL. i naes ica aithgena murcairt̆i; sec̆tmad sec̆tmaid na let̆ aithgena for mac i naes ica aithgena dair.

Let̆ in sec̆tmad̆ for mac i naes ica let̆ diri dair, ocus in tainmrainne do lan a athar budein uil ar mac i naes ica aithgena urraid̆, corab e in tainmrainne sin do lan a athar bes ar mac i naes ica aithgena deoraid̆, no murc̆uirt̆i, no dair.

Cid fodera nach sec̆tmad lain a athar uil ar mac i naes ica aithgena urraid̆ sunn, amuil ata in cac̆ inad o t̆a sin amach? Is e fat̆ fodera, comgnim da ecodnac̆
C. 912. uil ann, ocus in [cutruma] scoires a deoraid̆ec̆t no [a]
C. 912. murc̆airt̆ec̆t, no [a] ecodnaid̆ec̆t, no [a] miri dibsium, noc̆-
C. 912. [on] ar drut̆ teit, ac̆t a dul re lar. In cutruma scoires adbar ocus bidbanus cac̆ uair atait aicisium, nocon orrosum teit, ac̆t ar drut̆, ocus cac̆ uair na fuil aicisium, is orrusom teit.

A meic ara feiser blai dilsi.

.1. na huile denta so sis uile o tairgeba in gnimrad̆
C. 912. ocus in suidiuğad̆, ocus ó na [bia fis] forcraid̆ no aicbeile no etallais, is denta dirait̆, ocus is slan iat a let̆ ris na huilib, ocus slan na huile a let̆ riu.

C. 912. Ma do rala fogail [cén bet̆ar ac] a congnimugad ocus a consuidiugad, slainti esraig ocus etarbaig ann, trian

at the age of paying the compensation for a foreigner; a seventh of a seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a 'daer'-man.

Half the seventh *of compensation is the fine* upon a youth at the age of paying the half-'dire'-fine of a 'daer'-man, and the proportion of the full-*fine* of his own father which is upon a youth at the age of paying the compensation for a native freeman, is the proportion of the full-*fine* of his father which shall be *the fine* on a youth at the age of paying compensation for a stranger, or a foreigner, or a 'daer'-man.

What is the reason that it is not one-seventh of his father's full-*fine* that is *imposed* on a youth at the age of paying the compensation for a native freeman here, as it is in every case from this out? The reason is, it is the joint act of two non-sensible adults that is *considered* here, and the proportion which their condition of stranger or foreigner, or their want of sense, or their madness takes off them, goes not upon the fool, but falls to the ground. *As to* the proportion which cause and enmity take off as often as he (*the fool*) has them (*i.e. cause and enmity*), it is not upon those (*above-mentioned*) it goes, but upon the fool, and as often as he has them not, it is upon those it goes.

My son that thou mayest know the exemptions with respect to rights *of building, &c.*

That is, all the buildings here mentioned from the time that the work has been finished and the arrangement *completed*, and when there is no knowledge of excess or danger or defect, are lawful buildings, and are safe with respect to all things, and all things are safe with respect to them.

If an accident should occur during the erection or the preparation for it, *there is* no fine[a] *for injuries done* to idlers and unprofitable workers,[1] *there is* one-third of compensation

[a] Ir. *Exemption.*

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[1] *Unprofitable workers*, i.e. persons whose presence there was unnecessary for their profit.

naithgina in naes comgnimraid ocus in cac̃ torbach ocus in cac̃ rop. Cen fis cen aicsin sin. [Et alia similia.]

C. 913.

Ma ta fis forcraid aicbeile no etallais, is am̃uil indeit̃bir torba im let̃ aithgin i nessac̃ ocus i netarbach, aithgin a torbach, let̃ dire la aithgin a rupu.

C. 913. Is and atá slainti essa ocus etarbac̃ [do riagail i let̃ riu,] in inbaid atconnaic cac̃ dib a céile; no ní acaid cac̃ dib a ceile; no atconncatarsom fer in gnima ocus ní acaid fer in gnima iatsom; slainti essaib̃ ocus etarbaid ann. Trian aithgena i naes comgnimraib̃, in cac̃ torbac̃, ocus in cach rob, cen fis cen aicsin. Masa aicsiu co faillec̃tain a riachtana, co caemac̃tu imgabala, let̃ aithgin i nesbaig̃ ocus i netarbaig̃, aithgin a torba, let̃dire la aithgin a rupu co naicsin na rob, ocus muna acaid, is trian naithgena.

Mat condaicsom iatsom ocus ni acatussom eisium, ocus rob e a tuicsisium co facatar, ocus araide ní acatar, is am̃uil indeit̃bire torba im let̃ aithgin i nesba ocus i netarbac̃, aithgin a torba, let̃dire la aithgin a rubu. Mat connaicsium iatsum ocus ní acatarsom eisium, ocus cinnti leisium con na facatar, cethruime dire la aithgin i nesbac̃u ocus i netarbacu, let̃dire la aithgin a torbac̃u ocus a rubu.

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[1] *Profitable workers*, i.e. persons whose presence there was necessary for their profit.

[2] The text is defective here.

[2] *Knowledge of excess danger or defect*, i.e. if the owners of the building in course of erection were aware that the building was in any way dangerous, and an accident occurs, the idlers and unprofitable workers are treated as if they were profitable workers.

due for injuries done to all fellow-labourers and profitable workers[1] and beasts. This *is in case* they (*the builders*) did not see *the injured persons* or know *of their presence;* et alia similia.

Should they (*the owners of the building*) have knowledge of excess danger or defect, it is as if it were profitable to the injured person to be present there though not necessary to his profit,[a] as regards half compensation for *injuries to* idlers and unprofitable workers, compensation for profitable workers, half 'dire'-fine and compensation for beasts.

[a] Ir. *Unnecessary profit.*

The case in which exemption *from fines* for *injury to* idlers and unprofitable workers is the rule with respect to them is, when each of them[3] saw the other; or, *when* neither of them saw the other; or, *when* they saw the working man and the working man did not see them: *there is* exemption *from fines* for *injury to* idlers and unprofitable workers in this case. One-third of compensation *is the fine* for *injury to* fellow-labourers, profitable workers, and beasts, provided the act was not intentional or the injured person seen.[b] If he (*the injured person*) was seen, and his being struck was supposable, but may have been avoided, *the fine is* half compensation for *injury to* idlers and unprofitable workers, compensation for *injury to* profitable workers, half 'dire'-fine and compensation for *injury to* beasts, if the beasts were seen, and if they were not seen, it (*the fine*) is one-third of compensation.

[b] Ir. *Without knowing, without seeing.*

If he (*the workman*) saw them and they did not see him, and it was his impression that they did see him, and it is certain they did not see him, it is like *a case of* unnecessary profit, as regards half compensation for *injuries to* idlers and unprofitable workers, compensation for *injury to* profitable workers, half 'dire'-fine and compensation for *injury to* beasts. If he saw them and they did not see him, and if he was certain they did not see him, *there is* one-fourth of 'dire'-fine and compensation for *injury to* idlers and unprofitable workers, half 'dire'-fine with compensation for *injury to* profitable workers and for *injury to* beasts.

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[3] *When each of them*—that is, the idlers and working man.

Cid fodera conad cutruma is in rob ocus is in torbaċ ann so? Is e faṫ fodera, indeithbeir in gnima inundaiges iat, uair amuil rob a leṫ sis in torbaċ is cindti leis dá nemaicsin. Na codnaig deaithe uilit ar aird i nuair denma in gnimraiḋ amuil esbaiġ iat budein, ocus amuil esbaiġ a ruib ocus a necodnaiġ.

Sic. Ruib ocus ecodnaig in loċta na fuilit ar aird, is indtib ata in lan is mo; ruib ocus ecodnaig in loċta na fuilit ar aird is inṫib ata in lan is luġa; ruib ocus ecodnaig in loċta ata ar aird ac denam gnimraid, ma cumangar a ndiċor, is a mbeiṫ amuil esbaiġ; muna cumangar, is a mbeiṫ amuil torbaiḋ.

C. 914 In torbaċ bodar dall [ocus na bacaiġ, co fis a ndaille ocus a mbuidre ocus a mbacaiġe], is a mbiṫ amuil in rob; in cutruma bias is in torbach mbodar ndall, corab a leṫ bes is in nesbach mbodar ndall, ocus noco nagabar a slainti do gres. [Co fis a bodorḋaille sin; ocus nochon fes a bodarḋaille, is a beiṫ amail in torbaċ bu doiġ leis da faicsin, ocus naċas facaid.] Ma tait a suile aici ocus ní uilit a cluasa, no ma táit a cluasa ocus ní uilit a suile, ocus ci be dib ata aici, is a mbeiṫ am̃uil esbaiġ a leṫ sis. Ci be dib naċ fuil aici, is a mbeiṫ amuil torbaiġ a leṫ sis.

C. 914.

C. 914–915. [Ruib ocus ecuind na codnaċ ndeaith uil ar aird ocus na regar a les, ocus na fuilet a denom gnimraid, ocus ro fétfaigtea a ndichur cen tormesc ngnimraig, amail esba iad, ocus eric esba indtu. Ruib ocus ecuind na codnaċ na fuilet ar aird, no ge tait ar aird mad regar a les re fuiririud ngnim, no gen go regar a les re denam

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[1] *Had not seen him.*—The text is defective here.

[2] *Such as are present.*—The Irish here again is such as are *not* present, but the repetition of the negative must be a clerical mistake.

What is the reason that there is the same *fine* for the beast and the profitable worker in this *case?* The reason is, the non-necessity of the deed equalizes them, for *it is thus that* the profitable worker, who he was certain had not seen him,[1] becomes as the beast *with respect to the restitution and 'dire'-fine.* The idle sensible adults who are present at the time of doing the deed are themselves *considered* as idlers, and the beasts and non-sensible persons belonging[a] to them are *considered* as idlers.

For the beasts and non-sensible persons of such as are not present the greatest full-*fine* is *paid;* for the beasts and non-sensible persons of such as are present[2] the smallest full-*fine* is *paid;* the beasts and non-sensible persons belonging to those who are present doing the work, if they can be sent away, are to be *regarded* as idlers; if they cannot, they are to be *regarded* as profitable workers.

The deaf blind and lame profitable workers, when their blindness and deafness and lameness are known, are to be *regarded* as beasts *with regard to the fine;* whatever is the proportion *of fine* for *injury to* the deaf and blind profitable worker, the half of it is for *injury to* the deaf and blind idler, and for *injury to* such *deaf and blind idler* there is never full exemption. This is when his deafness and blindness are known; but should his deafness and blindness not be known, he is to be *regarded* as a profitable worker, whom he (*the workman*) supposed to have seen him, but who did not see him. If he (*the person injured*) can see and cannot hear,[b] or if he can hear and cannot see, he is to be *regarded* as an idler, with respect to whichever *faculty* of them he has. With respect to whichever *faculty* he has not, he is to be *regarded* as a profitable worker.

The beasts and non-sensible persons belonging to idle sensible adults which are present but which are not required, and are not doing any work, and which could be driven away without interrupting the work, *are regarded* as idlers, and the 'eric'-fine for *injury to* idlers *shall be paid* for *injuring* them. The beasts and non-sensible persons belonging to sensible adults who are not present, or who though they be present are required for the purpose of work, or who though not

[a] Ir. *Their.*

[b] Ir. *Has his eyes, and has not his ears.*

gnimraid, noc̆o nfetar a ndichur uaithib gen toirmesc ngnimraig̃, amail torbachu iad budein, ocus amail torba a ruib ocus a necod̆naigetu, ocus eric torba indtu]

A bail ná tormaig aicsiu sec̆ nemaicsi ni im duine, noco teit rob dar aithgin ann, mat ces, no dá trian na aithgena mana facus; acht muna tormaigea bit̆binc̆i, no aicbeile gnimraid, no deit̆bir ninaid.

A bail a tormaig̃ aicsi sec̆ nemaicsiu ní im duine, noco teit rob dar let̆dire la aithgin ann mat ces, no da trian naithgena mana facus; ac̆t muna tormaigea bit̆binc̆i, no aicbeile gnimraid̆, no deit̆bir ninaid.

Cach bail a nebairt fer na mblai urfocra ocus urscartad, is a bith air; cach bail na hebairt, is a nembith.

Cach ní for ar cind ugdar cindiud denma, o do genat
C. 915. amlaid̆ sin he, is dénta dirait̆, [ocus is slán i leit̆ ris na huilib]; mana derntar itir, is bit̆binc̆e do riagail ris.

Cach ní for nar cind ugdar cindiud denma, o do genat he am̃uil is dlig̃t̆echu cunangatar, is denta diraith; mana dernat itir, is bit̆binche do riagail ris.

Na huile borbgnimrad uile na cumangar do denam cen cloistin, no cen aicsin, noco necen urfocra do riagail a let̆ riu; ac̆t muna tecma fogail i nindotac̆t in gnima

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[1] *If it be not so constructed.* That is, if a building be constructed according to the form, &c., prescribed by law, the owner is exempted from liability in consequence of accidents connected with it; if a building be otherwise constructed, any

required for the purpose of work, could not be driven away without interrupting the work, *are to be regarded* as profitable workers themselves, their beasts and non-sensible adults as profitable workers, and the 'eric'-fine for profitable workers *shall be paid* for *injury to* them.

Where seeing does not add anything to *the liability of* a man more than not seeing, no more than compensation is paid[a] for a beast injured by him (*the workman*) if it (*the beast*) was seen, or two-thirds of compensation if it was not seen; unless the case is aggravated by wickedness, or dangerous nature of the work, or peculiarity of place.

[a] Ir. *Goes.*

Where seeing adds to *the liability of* a person more than not seeing, *compensation for* a beast *injured by him* does not exceed half-'dire'-fine with compensation if it was seen, or two-thirds of compensation if it was not seen; unless the case is aggravated by wickedness, or dangerous nature of the work, or peculiarity of place.

Wherever the man entitled to the exemptions[a] has given orders to warn and scare off, he is to have *the benefit of* them (*the exemptions*); wherever he has not given orders, he is not to have *the benefit of* them.

[a] Ir. *The man of the exemptions.*

Every thing (*building*) of which an author *of law* has specified the construction, if it be so constructed, is a lawful building, it is fully exempt; if it be not *so* constructed,[1] wickedness shall be the rule with respect to it.

Every thing (*building*) of which an author has not specified the construction, if they (*the builders*) have constructed it as lawfully as they were able, is a lawful building; if they did not *so* construct it, wickedness shall be the rule with respect to it.

It is not necessary to apply the rule of notice in *the case of* rough works which cannot be done without being heard or seen; unless an injury has happened, immediately at the commencement of the work, and if it has happened, let it

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accidents connected with or arising from it, will be considered as having been caused by the owner of "malice prepense."

ro četoir, ocus mada decma, a fir i nderna dligeď no na derna.

Na huile gnimrada foile eladnača uile conecar a denma cin cloistin no cin aicsin, ised dlegur urfocra ocus urscartad do riagail riú; urfocra do codnačaib, urscartad rob ocus ecodnač, ocus duscad aesa cotalta, buidir ocus daill durscartad.

Bla moga mugsaine.

C. 917. .i. slán do mogaiď i ndaire ferrda do ní, .i. in ní scoires de in fer bis ina [mančuine], maíne comaine, ina laiťrind comdligtiǧ .i. in cual.

C. 918. [Maď si in čual ro fuačtnaig and iar na gnimugud ocus iar na suigigud, ocus ní roibe fis forcraide na haicbeile na hetfollais aice, is denta diraith í, ocus islainti i leť ris na huilib.

Maď sí in tuaď do čuaiď da cind, islainti esbač ocus etorbač do cet sceinm cén fis etfollais, 7rl.

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[1] C. 915 gives this and the subsequent paragraph more fully, as follows:—

Na huile gnimrada borba anfoille aneladnacha uile doneoch ac na recar a les ealatu, na fetar do dénam can cloisteċt, no gan aicsin, noco nurailend dliġed urfocra no urscartad do codnaċ, uair is lor da nurfocra an faicsin no a cloistin féin; aċt mana ṫecmad foġail do dénam in indotaċt in ced béime ro cetoir; ocus da tecmad, is amail indeṫbir torba im leṫ aithgin i nesbad; ocus noċo nfuil ní is mó na sin and, aċt mane tormaigea bitbinċę .i. in dénta, no aicbeile ngnimraiḋ, no deṫbir ninaid; ocus maḋ eḋ on, is fiaċ fon fáth.

Na huile gnímrada foille eladnacha uile go necar do dénam cen cloisteċt cen faicsin, is é dlegar urfócra and .i. urfocra do ċoḋnaċaib; aurscartad rob ocus écodnaċ, ocus dusca aesa codulta ar a codlad, ocus buidir ocus daill dursartad, co fis a ndaille ocus a mbuidre. O ro gena amlaid sin, is slainte esbaċ ocus étorbaċ and; trian naithgina i naes comgnimraid ocus in caċ rob ocus in caċ torbaċ. Cen fis cen faicsin sin; no ce beṫ, mana roib caemaċt imgaḃala.

[2] *The exemption of a servant.*—That is, a servant is not liable to fines for accidents arising from the performance of his legitimate work, in his proper place.

[3] *The fagot, &c.*—The MS. E. 3, 5, part II. p. 27, is here defective; it has only a few fragmentary phrases. The other MSS. available are also defective at this point.

be known whether *the precaution required by* law have been observed or not.[1]

In the case of all fine scientific works, which can be done without being seen or heard, it is required by law *to apply* the rule of notice and removal: warning *is to be given* to sensible adults, beasts and non-sensible persons *are* to be turned away, and sleepers *are* to be awakened, deaf and blind persons to be removed.

The exemption of a servant[2] in *performing his* service.

That is, the servant is exempt in the manly service which he performs, i.e. the man who is performing[a] his service, *i.e.* the service he is bound to perform,[b] in his proper place *is not responsible for accidents resulting from his work*, i.e. *in respect of* the fagot, *&c.*[3]

If it was the fagot that did the injury, after it had been made and placed, and if he (*the servant*) had no knowledge of excess danger or defect, it is a lawful deed, and he is exempt in all respects.

If it was the head of a hatchet that flew off,[c] there is exemption *in respect* of *injuries done to* idlers and unprofitable workers for the first slipping off without knowledge of defect, &c., *on the part of the servant.*

"*In* all rough, coarse, unscientific works, such as require no science, which cannot be done without being heard, or without being seen, the law does not oblige the sane adult to warn or remove *children, idiots, &c.*, because the very seeing or hearing of them (*the works*) is sufficient warning; unless injury has happened from the first blow at once; and if it has happened, it is as *the case of* unnecessary profit with respect to half-compensation for *injury to* an idler; and there is nothing (*no fine*) beyond this, for it (*the injury*) unless malice increases it, i.e. *on the part* of the *owner of the* work, or the dangerous nature of the work, or peculiarity of place; and if so, the fine is according to the cause.

"In all fine scientific works which can be done without *their* being heard or seen, it is required to give warning; i.e. warning to sane adults; beasts and non-sensible adults are to be removed, and sleepers *are* to be awakened from their sleep, and deaf and blind persons whose deafness and blindness are known, *are* to be removed. When it is so done, there is exemption for *injury to* idlers and unprofitable persons; one-third of compensation for fellow-labourers and for every beast and every profitable worker *that is hurt.* This is when there was neither knowledge nor seeing[d] (*of the works in progress*) or though there was, *the case is the same,* unless there was power of avoiding *the danger.*"

[a] Ir. *In.*

[b] Ir. *His service of obligation.*

[c] Ir. *If the hatchet went off its head.*

[d] Ir. *Without knowledge, without seeing.*

Cen beṫar acá suidigead ocus aca gnimugad, slanti esbaiġ ocus etorbaiġ do riagail i leṫ re; trian aithgina i naes comgnimraiḋ, in caċ torba, ocus in caċ rob.]

Mas e inad i ngnaṫaíġeḋ a ċual do ċur de, slainti esbaċ ocus etarbaċ ann; ocus trian naithgena i naes comgnimraiḋ, in caċ torbaċ ocus in caċ rob cen fis; ocus tiaċtain o leiṫdire co trian naithgena.

Muna be in tinat i ngnaṫaiged a ċual do ċur de do-gres, is amuil indeiṫbire torbaiġ im leṫ aithgin i nesbacu ocus i netarbaċu; aithgin a torbacu, leṫ dire la aiṫgin a rubu co naicsin na rob, ocus muna acaid, is aithgin.

Mara ca buain, no ca tinol, no ca cengal, no ca coruċad ar a muin, slainti esbaċ ocus etarbaċ, ocus tiaċt o leṫ C. 917. dire [co trian naiṫġina] ann. Ocus má se a ġat ro maiḋ, is a beiṫ amuil cetsceinm. Mara crand ro tuit eisti, i sceinmanṇa da riagail riso. Ocus ni sain suidiugad, ocus dámad sain suidiugad, is amuil cet sceinm caċ sceinm. A laiṫrind sin; ocus ma seċtar laiṫrind, is aṁuil indeiṫbire torbaiġ.

Mas ar clad no ar coraid no i ninad corrach ro suídiúgad a cual, is a beiṫ amuil indeiṫbire torbaiġ im aithgin ann; no amuil in cuaili nimrindi; biṫbinċi do riagail sis.

Mas e a gat ro muid, ocus ni roibi fis forcraid aic-

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[1] *Unnecessary profit.*—That is, the presence there of the injured persons was profitable to them, though they were not under any necessity to be there.

As long as it (*the fagot*) is being placed and made, exemption *in respect* of *injury to* idlers and unprofitable workers is the rule with regard to it; one-third of compensation is *the fine* for *injury done to* fellow-labourers, all profitable workers, and all beasts.

If it be the place in which he was wont to cast off his bundle, he is exempt from *the consequences of any injury done to* idlers and unprofitable workers; but *he is liable to* one-third of compensation for fellow-labourers, for profitable workers and for beasts *if injured* unwittingly; and it (*the penalty*) is reduced[a] from half-'dire'-fine to one-third of compensation.

If it was not *in* the place wherein he was wont to cast off his bundle always, it is as *a case of* unnecessary profit[1] in respect to half compensation for *injury done to* idlers and unprofitable workers: compensation *is due* for profitable workers, half-'dire'-fine with compensation for beasts when the beasts were seen, and compensation *alone* if they were not seen.

If it was at the cutting of it, or at the gathering of it, or at the tying of it, or at the adjusting of it on his back, *the injury was inflicted*, he is exempt from *fines in respect of* idlers and unprofitable workers, and it (*the penalty*) is reduced[a] from half-'dire'-fine to one-third of compensation. And if it be its tie that has given way, it is like a *case of* first slipping off. If it be a stick that has fallen from it (*the bundle*), it (*the case*) is to be regulated by *the law of* "slippings off." And *this is so if* the arrangement of it (*the bundle*) is not different *from the usual one*, but if the arrangement be different, each slipping is as a first slipping. These *are slippings* in his (*the servant's*) proper place, but if outside his proper place, it is as *a case of* unnecessary profit.

If it be on a dyke or on a wall or on an uneven place the fagot was placed, it is to be *regarded* as *a case of* unnecessary profit as regards compensation for *the injury done by* it; or, like the case of "the pointed stake;" it (*the case*) is to be ruled by wicked intention.[b]

If it be its tie that gave way, and if he (*the servant*) had no knowledge of excess, danger, or defect, it (*the case*) is the

[a] Ir. *Comes.*

[b] Ir. *Wickedness.*

beile na etallair, is inand ocus ro cuireḋ de i laiṫrind. Ma ta fir forcraid, aicbeile, ocus etallair, is inand do ocus ro ċuired de a reċtar laiṫrind im leṫ aithgin in erbaċ ocus in etarbaċ.

Ocus ised is laiṫrind don ċuail caċ inat a cuirenn de hi do gres, ocus a bail na fuil fir forcraid, aicbeile, C. 920. [na etsollair]. Ocus issed is reċtar laiṫrind ann, caċ bail na cuirenn de hi do gres, ocus a bail a mbi fir forcraiḋ, aicbeile, ocus etallair; ocus gemud a laithrind ro beṫ fir forcraid, aicbéile, ocus etallair, is inand ocus ro´ cuired de hi a reċtar laiṫrind.

Na daine do rala do na aiġiḋ, mát connaicsium iatsom, ocus ni acatarsom eisen ocus ni etatar in bail a cuirend de hi cach nuaire, eiric aicsena uadsum doibsium, ocus eiric nemaicsena uadaib dosum.

Mat conncatarsom eisium ocus ni acatarsom iatsom, ocus ro fetadar in bail a cuireand de hi cach nuaire, eiric aicsena uathibsum dosum, ocus eiric nemaicsena uadsom doibsium.

Ised is laiṫrind do mogaid andsin ead a láime ocus C. 919. [samtaiġe] a tuaigi uad ar caċ leṫ; cid amuiġ, cid a tig sin; no dono cena com a tig sin, ised is laiṫrind amuig in oiret bo doig in tslisin do rochtain dar cach leṫ.

O mug urraiḋ ata sin i nduine; ocus a cethri reċtmad o mug deoraiḋ, da reċtmad ocus cethruime rann dec o mug murċairṫi, reċtmad o mug dair.

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[1] *And he did not see them.*—The plural form "acatarsom, they saw," appears to be a mistake. The sense requires "acaidsom, he saw."

same as if he had cast it off in the proper place. Should he have knowledge of excess, danger, or defect, it is the same as if he had cast it off outside the proper place as regards half compensation *for injury* to idlers and to unprofitable workers.

"The proper place" of the fagot means whatever place he is in the habit of putting it off him always, and implies[a] that he has no knowledge of excess, danger, or defect. And "outside the proper place" means wherever he is not in the habit of putting it (*the fagot*) off him always, and implies[a] that he has knowledge of excess, danger, or defect; and should he have knowledge of excess, danger, or defect, though it was in the proper place *he put it off*, it is the same as if he had put it off him outside the proper place.

[a] Ir. *A place.*

When the persons who happened to meet him *have been injured by his fagot,* if he saw them, and they did not see him and did not know the place where he was in the habit of putting it off him every time, the 'eric'-fine for seeing *is due* from him to them, and the 'eric'-fine for non-seeing *is due* from them to him.

If they saw him and he did not see them,[1] and if they knew the place in which he was in the habit of putting it (*the fagot*) off him always, the 'eric'-fine for seeing *is due* to him from them, and the 'eric'-fine for non-seeing *is due* to them from him.

"The proper place of the servant" in this *case* is the length of his hand and the handle of his hatchet from him on every side; this *is* whether outside or in a house; or indeed, *according to others,* this is in a house, *and* "the proper place outside" is as far as a chip *from the wood* might be supposed to reach on every side.

From the servant of a native freeman this (*the compensation before stated*) is *due* for *injuring* a person; and four-sevenths of it are *due* from the servant of a stranger, two-sevenths and one-fourteenth *of it* from the servant of a foreigner, *and* one-seventh *of it* from the servant of a 'daer'-person.

O mug urraiḋ ata sin i mboin; ocus tri cuiceḋ o mug deoraiḋ, da cuiceḋ o mug murċairṫe, cuiceḋ o mug dair.

O mug urraiḋ ata sin im ech; a teora cethruime o mug deoraiḋ, leṫ ocus oċtmaḋ o mug murcairṫi, leṫ nama o mug dair.

Bla ech aenach.

C. 924. Sic. .i. islan don ti beres in teċ leis isin naenach, mas ar óin fuair hí, [ocus ní fes a bithbinċe]. Islán don fir dosfuc ar ein, aċt na ruca aici féin, seċt traiġi déc do ċul no do ṫaib; ocus má ruca ca imurro, munar indis, is ic a cinaid is in tetnais fair.

.i. Slan don ti berus in tech is in naenaċ; slan do ce brister in tech, aċt narab tre borblaċas, narab rigi tar trocht, co fis a etracht; ocus mad ed on, is fiaċ fon faṫ air.

C. 921. Slan dfir in neich ce fuachnaiḋ in teċ risium, aċt nar a bedg, no redg, no lua, no saebleim, no cor fo laim, [no prep], no cenn a ngabal; [ocus maḋ ead on, is leṫ fiach fo bithbinċi uirre], ocus meraċt a herma do scor in leṫe aile di.

Slán dfir in eich na huile neiċe da ra tairceba r, aċt

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[1] *The exemption as regards a horse in a fair.*—That is, the law regulating the cases in which the owner of a horse at a fair is not liable to damages for injuries caused by the horse.

[2] *Is also exempt.*—That is, he is not liable for damages for injuries done by the horse, when done at a distance of less than 17 feet from the place where the horse stands, i.e. unless the viciousness of the horse be extraordinary; if the owner bred

From the servant of a native freeman this is *due* for *injuring* a cow; and three-fifths *of it are due* from the servant of a stranger, two-fifths from the servant of a foreigner, *and* one-fifth from the servant of a 'daer'-person.

From the servant of a native freeman this *fine* is *due* for *injuring* a horse; three-fourths of it *are due* from the servant of a stranger, half and one-eighth from the servant of a foreigner, *and* half only from the servant of a 'daer'-person.

The exemption as regards[a] a horse in a fair.[1]

[a] Ir. *Of.*

That is, the person who brings the horse with him to the fair is exempt *from fines for injuries done by it,* if it was on loan he got it, and if he did not know its viciousness. The man who had given it on loan is also exempt,[2] as far as seventeen feet behind *it* or on *each* side *of it,* so as it was not foaled for himself; if however it was foaled for him, he pays for such injuries as it may commit in its violence, unless he had told *of its viciousness.*

That is, the person who brings the horse to the fair is exempt[3]; he is exempt even though the horse should break down, but so as it did not happen[b] through cruel violence, or through driving it beyond its strength, being aware of its weakness; but should it be so, he shall be fined according to the nature of the case.

[b] Ir. *Was not.*

The owner of the horse is exempt[4] though the horse has injured him (*the borrower*), but so as it did not happen[b] through a start, or a fit, or a kick, or a false spring, or a twist underhand, or a bounce, or head in fork; but if it be *through any of these,* there shall be half-fine upon it[5] for its viciousness, and the excitement of being driven takes the other half-*fine* off it.

The owner of the horse is exempt[6] as to all things over

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the horse he has notice of his vice, although ordinary, and is liable unless he gave notice of this to the person to whom he lent it.

[3] *Is exempt.*—That is, from damages for injuries done to the horse.

[4] *Is exempt,* i.e. from damages for injuries done by the horse to the borrower.

[5] The words in brackets in the Irish here are by a later hand.

[6] *The owner of the horse is exempt,* i.e. from damages for injuries done by the horse to third parties, when being ridden.

a riagail re fiancluic̃i in codnaig uil uirre. Othrus comlan co bas i nesbac̃; let̃oire na cneidi ocus ot̃rus comlan co bas a torbac̃; let̃oiri la cechtar de re taeb aithgena iar mbas, cid a torbach cid a nesbach.

Ma ro ac̃taiged a breith co hinad airit̃i, slan a breit̃ co ruici in inad ro ac̃taiged, acht na ructar imarcraic tairis; ocus da ructar, is fiach forcraid fomelta for óin, .i. cuic seoit, ocus aithgin in eic̃, masa marb.

Cid fodera conad cutruma is in fiach forcraid fomelta for oin do cac̃ duine, ocus nac̃ ead is in fiach foimrime? Is e fat̃ fodera, ar fuir[ir]ed̃ tidnaict̃e bis in fiac̃ forcraid̃ fomelta for óin, ocus ní ed bis in fiac̃ foimrime. Munar ac̃taiged a breit̃ co hinad airit̃i, slan do a breit̃ co rici in inad is ail leis, ac̃t na tuca rige dar trac̃t, co fis a hetrac̃ta uirre; ocus dá tuca, is fiach fo aicned̃ a fat̃a air and.

Munar ac̃taiged lathair airit̃i ann itir, slan cid fata bert̃air he; no coma slan a foimrim co dec̃maid, ocus fiach foimrime o dec̃maid amach; no coma fiach gaiti.

C. 924. Ma ro acc̃taiged eiri airit̃i [do t̃obairt] ar an ec̃, slán do in cutruma ro ac̃taiged do tabairt uirri; ac̃t ná tuctar imarcraid air tairis; ocus da tuctar, is fiach forcraid fomelta for oin and.

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[1] *Or it is a fine for theft.*—That is, there is an implied contract to use the hired horse *reasonably;* destroying it by unreasonable use becomes a wrong, and as there

which it is brought, and *as to damages*, it (*the case*) shall be ruled by *the law of* fair play as to the sensible adult who rides[a] it. *There shall be* full sick maintenance till death for *injuring* an idler; half 'dire'-fine for the wound and full sick maintenance till death for *injuring* a profitable worker; half 'dire'-fine *for the wound* and compensation for either of them, whether profitable worker or idler, after death.

If it was agreed upon (*between borrower and lender*) to bring it (*the horse*) to a particular place, he (*the borrower*) is safe in bringing it till it reach the place that was agreed upon, provided it be not brought too far beyond it; and if it be *so* brought (*unreasonably far beyond the place*), it (*the penalty*) is the fine for excessive use of a loan, i.e. five 'seds,' and the equivalent of the horse, if killed.

What is the reason that as regards the fine for over-using a loan it is the same on every person, while as regards the fine for over-riding *a horse* it is not *the same?* The reason of it is, the fine for over-using a loan is *imposed* with the expectation that it (*the loan*) would be returned, and it is not so in the fine for over-riding *a horse.* Unless it had been stipulated to bring it to a particular place, he (*the hirer*) is safe in bringing it until he reaches whatever place he likes, but so as he does not ride it beyond its strength, knowing its want of strength; but if he does *so* ride *it*, there is a fine upon him for it according to the nature of the case.

If no particular place was at all agreed upon, *the hirer is* safe, whatever distance it (*the horse*) is brought; or, *according to others*, it is safe to ride it for ten days, but *there is* a fine for over-riding *it* after ten days; or it is a fine for theft.[1]

If it was agreed upon that a particular load should be carried by the horse, he (*the hirer*) is safe in bringing the stipulated amount upon it; but *so* that too much be not brought upon it beyond that *amount;* and should it (*an unreasonable amount beyond the stipulated burden*) be brought, the fine for over-using a loan is *due* in the case.

[a] Ir. *Is upon.*

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is no distinction (it would appear) in the Irish laws between "crimes" and "wrongs," it may be defined to be a theft.

Muna ačtaiged eire[1] áiriťi air itir, islan do in ní bus áil leis do ťabairt air, ačt narab rigi dar tračt, co fis a etracht; ocus mad ed on, is fiach fo aicneď a fáťa air.

Ma ro urfocair fer bunaiď biťbinči in eich, ocus ro gab in fer amuič do laim biť fo cintaib uiliataidi, cač neič ro dlečt di do cintaib for in fer amuich.

Munar urfocair fer bunaid biťbinči in neič, ocus nir gab in fer amuich do laim̃ beiť fo cintaib uiledaid, a cinad for fer mbunaiď, cenmoťa a cinta comaiťčesa for in fer amuich.

Ma ro urfocair fer bunaid biťbinči in eich, ocus nir gab in fer amuič do laim biť fo cintaib, a cinta comaiťčesa ocus biťbinče, co faill, for in fer amuič; a cinta aithgina ocus biťbinče cen faill, for fer mbunaid.

Munar urfocair fer bunaiď bithbinče in eič, ocus ro gab in fer amuič do laim beť fo cintaib, a cinta comaiťčesa ocus aithgina for in fer amuič; a cinta bithbinče, co faill ocus cen faill, for fer mbunaid.

Ised is cinta bithbinče co faill ann, a breiť a cumang
C. 923. sráiti, [no chlochain], no airectais, [no a ndorus tiǧi no
lis], no itir robaib ocus ecodnačaib, co fis a buailtiǧe
C. 923. [no a bithbinče] uisse.

Ised is cinta biťbinči cen faill ann, iní do dena for a
C. 923. scor, no for a ingeilt, [no ar a mbacacad.]

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[1] *If no particular load was agreed upon.*—That is, if no amount is fixed, a reasonable burden must be put upon the horse, as to the amount of which the knowledge of the horse's strength on the part of the person putting on the burden is an element.

If no particular load was agreed upon[1] for it, he (*the hirer*) is safe in bringing any load he pleases on it (*the horse*), provided he does not exceed its strength, knowing its want of strength; and if it be so, he shall be fined according to the nature of the case.

If the owner has given *the borrower* notice of the horse's viciousness, and the borrower[a] has undertaken to be accountable for all its trespasses, whatever is due of it for its trespasses *falls* on the borrower.[a]

[a] Ir. *The man outside.*

If the owner has not given notice of the horse's viciousness, and the borrower[a] has not undertaken to be accountable for all its trespasses, its trespasses *shall be* upon the owner, except its trespasses of neighbourhood,[2] *which shall be* upon the borrower.[a]

If the owner gave notice of the horse's viciousness, and the borrower[a] did not undertake to be accountable for its trespasses, its trespasses of neighbourhood and of viciousness, if there be neglect, *shall be* upon the borrower;[a] its trespasses involving[b] restitution and those *arising* from viciousness, there being no neglect, *shall be* upon the owner.

[b] Ir. *Of.*

If the owner has not given notice of the horse's viciousness, and the borrower[a] has undertaken to be accountable for its trespasses, its trespasses involving[b] restitution and those of neighbourhood, *shall be* upon the borrower,[a] *and* its trespasses of viciousness,[3] with neglect or without neglect, *shall be* upon the owner.

Trespasses of viciousness with neglect, are the bringing of it into the narrow part of a street, or into a paved road, or into a crowd, or to the door of a house or of a 'lis'-fort, or among cattle and non-sensible people, its kicking *habits* or its viciousness being known.

Trespasses of viciousness without neglect, are what it commits in its paddock, or while grazing, or in its enclosure.

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[2] *Trespasses of neighbourhood.*—That is, damage to adjoining property, and which might be reasonably anticipated and prevented.

[3] *Its trespasses of viciousness.*—A hirer of a horse with notice, as between himself and third parties, is answerable for trespasses which he could lawfully prevent.

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Ised is cinta comaiṫċesa ann, iní do dena re hoiledaib ocus re hairbedaiḃ, re fer ocus re arbar ocus re foiche[nd].

Ised is cinta aithgina ann, caċ bail a ria oċrus no aithgin in cinad do dena.

Blad ord indeoin.

C. 924. [.i. islán don tí imris in tórd for in indeoin.]

.i. flan do, ce deċ in indeoin tres in ord, no ce dech in tord treis in nindeoin, no ce tocrais in tesbach eturru cen fis cen aicsin. Slainti esbaig ocus etarbaiġ do cet-sceinm, cen fis etallais; ocus trian naithgina i naes comgnimraid, in caċ torbaċ, cia nosconnaic cen co facaiġ; ocus in rob ná faca; ocus mát connaic na ruba, is aithgin.

Mas e in sceinm tanaiste cena, ocus ni sain suidiugaḋ, is amuil indeitbire torba im aithgin in esbaiġ ocus in etarbaiġ. Aithgin a torbach ce nasconnaic cen co facaig. Leṫdire la aithgin a ruba cen aiċsin na rob; ocus mana acaiġ, is aithgin.

Mas e in tres sceinm, ocus ní sain suidiugad, cethruime dire la aithgin in espaig ocus in etarbaiġ; leiṫdire la aithgin a torbuċ, cia nosconnaic cen co facaiġ; lan dire la aithgin a rubu co faicsin na rob, ocus muna acaiġ, is leṫdiri la aithgin.

Mas e in cethraṁaḋ sceinm, ocus ní sain suidiugad,

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[1] *Has been cast.*—For "Ce tocrais" of the text, C. 924 reads "gia ada cuire, though there was put."

Trespasses of neighbourhood are what it does to fences or railings, to grass and to green corn or to ripe standing corn.

Restitution trespasses are all cases in which sick maintenance or restitution for the injury which is done are incurred.

The exemption of sledge *and* anvil.

That is, the person who plies the sledge on the anvil is exempt *from penalty for injuries arising from the work he is engaged on.*

Viz., he is exempt, though the anvil break[a] the sledge, or the sledge break the anvil, or though an idler has been thrust[1] between them without *his* knowledge or *his* having seen *him*. He is exempt *from fine* for *injury to* idlers and unprofitable workers, in the first slipping, if he has no knowledge of *any* defect;[b] and *he pays* one-third of compensation for *injury to* fellow-labourers, *and* to all profitable workers, whether he has seen them or not; and for *injury to* beasts which he has not seen; but if he has seen the beasts, it (*the fine*) is *full* compensation.

[a] Ir. *Go through.*

[b] Ir. *Without knowledge of defect.*

If however it be the second slipping, and the arrangement *of the anvil and sledge* was not different, it is as *a case of* unnecessary profit in respect of compensation for *injuring* the idler and the unprofitable worker. Compensation *is due* to the profitable worker whether he saw or did not see him. Half 'dire'-fine with compensation *is due* for beasts if the beasts are seen,[2] but if not seen, there is *due but* compensation *only*.

If it be the third slipping, and the arrangement was not different, one-fourth of 'dire'-fine with compensation *is due* for *injuring* idlers and unprofitable workers; half 'dire'-fine with compensation for *injuring* profitable workers whether seen or not seen; full 'dire'-fine with compensation for *injuring* beasts if the beasts are seen, but if not seen it (*the penalty*) is half 'dire'-fine with compensation.

If it be the fourth slipping and the arrangement was not

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[2] *If the beasts are seen.*—The MS. reads "cen ɑıcꞅın nɑ ꞃob," literally "without seeing the cattle;" but the sense requires "con ɑıcꞅın nɑ ꞃob, with seeing the cattle."

leṫdire la aithgin a nesbach ocus i netarbach; lan dire la aithgin a torbaċ. Ro siaċt lan ċena a rubu romaind.

Mas da cind do cuaid in tord, a da fis no a da nanfis araen do riagail ime; no is ar fir imerta a aenur.

Mara fis gobann ocus anfis fir imerṫa, in cutruma do rormaċt fis ann dic do gabaind, ocus in cutruma do rormaċt aicsi ocus nemurscartad do comic doib eturru; no dono ċena, a da fis ocus a da nanfis mar aen do riagail ime, is a comíc doib eturru, amuil atá urrad snaides bir ocus foceird araile.

Mas ar a laim do cuaid, is amuil cetsceinm. Mara fis fir imerṫa, ocus anfis gobann, is a biṫ amuil ata airm urraiḋ cen fis fogla.

Mara comesargain do dib ordaib etarbuas, aċt mas etarru budein tall ro fogail, aċt ma ro fes in ti dib dairiṫi o riaċt, is trian naithgina di[c] do; muna fes, is seised naithgina o cach dib ina ċeile.

Mas o sain amach ro fogail, ma ro fes in ti dib o riaċt, is a ic do; muna fes, is a comíc dóib etarru.

Mas si in indeoin ro sceind ann, aċt mas tre fuireḋ a droċsuidigthi, is a ic dfir suidiġṫi; mas tre fuireḋ a droċbuailti, is a íc dfir imerṫa. Más tre fuireḋ a droċsuidiġṫi ocus a drochbuailti, is a comic doib etarru.

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[1] *Having seen.*—For “Aicsi” of the text, C. 926 has “fairsiu.”

[2] *If the anvil has slipped.*—For “ro sceind ann” as in the text, C. 926 reads “do cuaiḋ as in cip, went off the block.”

different, half 'dire'-fine with compensation *is due* for *injuring* idlers and unprofitable workers; full 'dire'-fine with compensation for *injuring* profitable workers. Full 'dire'-fine has been already mentioned for *injury to* beasts.

If it be the head of the sledge-hammer that has slipped off, the knowledge or ignorance of both *the smith and the striker* is the rule in the case; or, *according to others,* the striker alone is liable.

If the smith has knowledge of it and the striker has not, the proportion which knowledge adds *to the fine* is to be paid by the smith, and the proportion which having seen[1] and not removed *those who may be hurt* adds to it, is to be paid equally between them; or indeed, it is the knowledge or ignorance of both that rules it (*the case*), *and* they pay it (*the fine*) equally between them, as it is *where* "a native freeman sharpens a stake and another casts it."

If it be from his hand it (*the sledge-hammer*) slipped,[a] it (*the case*) is *to be* as a first slipping. If it be *with* the knowledge of the striker, and *with* ignorance *on the part* of the smith, it (*the case*) is to be *ruled* as it is *in the case of* "the weapon of a native freeman without knowledge of trespass."

[a] Ir. *Went.*

If two sledge-hammers while being wielded have come in collision, and if injury to the persons engaged[b] only has resulted, and if the particular person by whom it (*the collision*) was caused is known, he pays one-third of compensation; if he is not known, one-sixth of compensation is *paid* by each of them to the other.

[b] Ir. *Among themselves.*

If it be injury to some one else[c] that has resulted, if it be known which of them caused it, he pays for it; if he is not known, they pay for it equally between them.

[c] Ir. *From that out.*

If it be the anvil that has slipped[2] *off the block* in the case: and if (*this happened*) in consequence of[3] bad fixing, the man who fixed it pays *for the injury done; if it occurred* in consequence of bad striking, the striker pays. If it (*the slipping off*) be in consequence of bad fixing and bad striking, they (*the fixer and striker*) pay for it equally between them.

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[3] For "ꝼuıꞃeꝺ̇" of the text, C. 926 reads "ꝼuıꞃıꞃıuꝺ," here and in several other places.

C. 927.
C. 927. Critbri in íaraind ocus in tellaig is amuil cet sceinm [in úird]. Cinta in íaraind o teinid co hindeoin, [ocus o indeoin co teinid] for gobaind.

C. 927. Mas ar indeoin ro fogail, mas tre fuired a droċbuailti, is a ic dfir imerta a aenur; [aċt más tre fuirirud a droċcongbala, is a ic do gobaind]; mas tre fuired a drochbuailti ocus a droċungbala, is a comic doib etarru.

Mas iat spreda in tellaiġ ro fogail ann, is a ic dfir seite a aenur, acht muna fuil combrostad o gobaind air, ocus ma ta, is a comic doib eturru.

C. 926. Mas e in tiarann ro fogail ann [ac a bualad, a fégad in tria fuiririud a drochcongbala no a drochbualta;] acht más tre fuir[ir]eḋ a droċcongbala, is a ic do gobaind a aenur; mas tre fuir[ir]eḋ a droċbuailti, is a ic daes urlaide a aenur. Mas tre fuir[ir]ed araen, is a comic doib etarru.

Mas iat criṫri in íaraind ro fogail ann, acht mara combrostad itir gobaind ocus lucht bolgaireċta, is a comic doib etarru; muna uil, is a ic daes bolgaireċta an aenur.

Is iat ata torbaiġ and, daíne ro cotail ria cur in iaraind isin teinid.

Is iat ata esbaiġ and, daine ro cotail iar cur in íaraind isin teiniḋ.

C. 238. Dilis or ocus airget ocus uma [a cerdċa in goband]; indles imurro caċ amur ocus caċ sreth olċena, caċ ni

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[1] *Has caused the injury.*—For "ro fogail" of the text, C. 926 reads "ro fuaċtnaig," which has much the same meaning.

[2] *Before their iron was put in the fire.*—Persons were in the habit of going very early to the forge in order to get their turn, as it is called, early. Such as fell asleep before the placing of the iron in the fire, should be awakened by the smith, to prevent their being injured by the sparks, &c. If they were not, the fine for

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The injuries from the sparks of the iron and of the hearth are *ruled* like the first slipping of the sledge-hammer. The injuries *done* by the iron *in carrying it* from the fire to the anvil, and from the anvil to the fire *are to be paid for* by the smith.

If the anvil has been injured, *and* if *it was* in consequence of bad striking, the striker alone pays; but if *it was* in consequence of *the iron* having been badly held, the smith *alone* is to pay; *and* if *it was* in consequence of bad holding and bad striking, they are to pay equally for it (*the damage*) between them.

If it be the sparks from the hearth that have caused the injury in the case, the *bellows*-blower alone is to pay for it, unless the smith has urged him *to blow strongly,* and if he has, they (*the blower and the smith*) are to pay for it equally between them.

If it be the iron that has caused the injury when being struck, it is to be considered whether it was in consequence of bad holding or of bad striking *the injury happened;* and if it was in consequence of bad holding, the smith alone is to pay for it; if in consequence of bad striking, the striking party alone is to pay. If it was through *the fault of* both, it (*the injury*) is to be paid for by both between them.

If it be the sparks of the iron that have caused the injury in the case, and if there has been urging on by the smith and the bellows-blowers, they pay for it equally between them; if there has not been, the bellows-blowers alone pay.

"Profitable workers" here are persons who fell asleep before the iron was put in the fire.[2]

"Idlers" here are persons who fell asleep after the iron had been put in the fire.

Gold and silver and bronze *found* in the smith's forge are *by law* forfeited; the troughs and every range in general,

injury done them was equal to that for injuring a person employed at profitable and necessary work in the forge. But if they had remained awake until the iron was placed in the fire, and fell asleep then, they were regarded as idlers, because they saw the danger, and were therefore dealt with in case of injury from sparks, &c., as if they had been idle lookers on and broad awake.

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sreṫnaigter and do mindlestraib na cerdċa; ocus is ann sin do gabar eiric torbaiġ isin crand.

Diles caċ aiṫne indeiṫbire uile i naiṫ, a cuchtair, a cerdċa, a muilend.

Is diles in tor ocus in tairget ocus in tuma a cerdċa in goband, ocus noco diles i cerdċa in cerda, uair aithne indeiṫbir hé i cerdċa in gobann, ocus nocon eḋ a cerdċa in cerda.

C. 1392. Bla con congal, [aċt ni ti neċ eturru].

C 930. [Edon, slán do na conaib in gal conda do niad a comaititin a da fiadad .i. a da tiġerna, aċt ní tí nech eturru.

Aċtaigim, atá aċt lium and, co nach é in fer etrana coitċend do ċuaid sís a deirim do slanti dóib; no aċtaigim, atá aċt lium and, conaḋ é in fer leṫ etrana do ċuaid sís na habraim do ṡlánti doib ina huile esbadu ocus torbadu uile mar aen ris.]

Ma ta tigerna in dara con ar aird, ocus ni uil tigerna in con aile, slán cu in fir uil ar aird do marbaḋ, ocus fiaċ fianċluiċi a coin in fir na fuil ar aird, cen caemaċta tessaicṫe, ocus ma ta coemaċtu tessaicṫe, is fiaċ cola cluiċi.

Muna fuil tigerna con dib ar aird, aċt codnaig aca ninmuille, lan fiaċ on luċt uil ar aird is na conaib, ocus lan fiaċ in caċ ní millfit ro cosaib, ce be, cen co be, coemaċtu a tessaicṫe.

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[1] *For the wooden vessels.*—That is, the smith has to redeem the wooden vessels at a price equal to the 'eric'-fine of a profitable worker.

Every unnecessary charge.—That is, everything unconnected with his business

i.e. all small vessels of the forge ranged around it, are not however forfeited *by law*; and it is in this case that the 'eric'-fine of a profitable worker is payable for the wooden vessels.[a] [1]

[a] Ir. *The tree.*

Every unnecessary charge[2] *left* in a kiln, a kitchen, a forge, or a mill, is *by law* forfeited.

The gold and the silver and the bronze are *by law* forfeited in the smith's forge, but they are not *by law* forfeited in the goldsmith's forge, for they are an unnecessary charge in the smith's forge, but not in the goldsmith's forge.

The exemption of dogs in dog-fights when no one comes between them.

That is, the dogs are exempt in the dog-fight made with the cognizance of both their owners, i.e. of both their masters, provided no one comes between them.

I stipulate, I make a condition in it (*the case*) that *if* it be not the impartial interposer who went down *to separate them, then* they (*the dogs*), I say, are exempt; or I stipulate, I make a condition that *if* it be the half-interposer[3] who went down *to separate them, then* I do not say that they (*the dogs*) are exempt in respect *of injury done* to all idlers and profitable workers *who may be* with him (*the half-interposer*).

If the master of one of the dogs is present, and the master of the other dog is not, *it is* safe to kill the dog of the man who is present, and the fine for fair-play *shall be paid* for the dog of the man who is not present, if there be not[a] the power of saving, and if there be power of saving, it is a *case of* fine for foul-play.

[a] Ir. *Without.*

If the master of neither dog of them is present, but sane adults *are* inciting them, full fine for the dogs *is to be paid* by those who are present, and full fine for every thing which they (*the dogs*) shall damage under their feet, whether there be, or there be not, power to save it.

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left in charge of a kiln-owner, a cook, a smith, or a miller, is forfeited, evidently to prevent the concealing in this way of stolen goods.

[3] *Half-interposer.*—That is, a person acting in behalf of one of the owners.

.i. in fer etrana coitcind tainic etarru; ocus mas e cu in fir atá ar aird do foglaid sis, is lán fiač uaid ind; ocus mas e cu in fir na fuil ar aird, is leť fiach, ocus corab e in fer ata ar aird icus. Ro fes in cu ro fogail sis ann sin; ocus mana ro fes, is teora cethruime uaťaib araen ann, .i. leť fiač o coin in fir ata ar aird, ocus cethruime o coin in fir na fuil ar aird; ocus corab e in fer ata ar aird ícus.

Eďon, slán do na conaib in gal conda do niat a aititin a da fiadat, a da tigerna; slan do cač dib a ceile; ocus fiač fiancluiči in cač ni millfit fo cosaib, cen caemačtain a tessaicťi; ocus ma ta coemačtu tessaicťe, is fiač cola cluiči ocus sellid cola cluiči na sellač ro bai acá sellaď.

C. 930. [A congal comarleicťi a hada fiadat, slán do cač dib a ceili do marbad, ocus fiač fiancluiche uathu in cač ní millfit fo cosaib cen caemačtain a tesairgťi, ocus ma ta caemačtain a tesairgťe, is lán fiač, .i. fiač cola cluiche.]

A congal indeiťbire ar a naigiď budein an aenur, lan fiach fo biťbinči o cač dib ina ceile; ocus lan fiač in cach ní millfit fo cosaib, ce be cen co be caemačta tesairce; ocus sellačfogail na sellač ro bai aca sellaď.

Masa leťbrostu ocus ro fes in[1] cu do rigne in fogail, is amuil fer laime tigerna in con do rigne in fogail, ocus is amuil fer medon cluiči tigerna in con na derna.

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[1] The MS. is defective here, and the sense cannot be made clear from any of the fragments found in other MSS.

That is, the impartial person interfered[1] between them *here;* and if it be the dog of the man who is present that injured him, he (*the owner of the dog*) pays full fine for it; but if it be the dog of the man who is not present, it is half-fine *that is due,* and it is the man who is present that pays. In this *case* the dog that has done him the injury is known; but if he (*the dog*) *be* not known, both *the owners* pay three-fourths fine, i.e. half-fine for the dog of the man who is present, and one-fourth for the dog of the man who is not present; and it is the man who is present that pays.

That is, the dogs are exempt in a dog-fight they engage in with the cognizance of both their owners, their masters; each of them is exempt from *the fines of* the other; but there is a fine of fair play for every thing they injure under their feet, if it could not have been saved; but if it could have been saved, it is a fine for foul play and for looking on at foul play *that is due* by the lookers on that were looking on at it.

In a dog-fight with the consent of both the owners, each of them (*the dogs*) is exempt in case of killing the other, and the fine for fair play *is due* of them for every thing they shall spoil under their feet, when there is no power of saving it, and if there is power of saving it, it (*the penalty*) is full fine, i.e. fine for foul play.

In a dog-fight without being excited[a] *and* of their own accord alone, full fine according to their wickedness *is due* from each of them to the other; and *there is* full fine for every thing they spoil under their feet, whether there was a possibility of saving it or not; and *there is* the fine for looking on upon the lookers on that were looking on at them.

[a] Ir. *Unnecessary.*

If one of the dogs has been set to fighting,[b] and if the dog which did the injury be known, the master of the dog which did the injury is as one who inflicted the injury with his own hand, and the master of the dog which did not *do the injury* is as the man in the midst of a game.[2]

[b] Ir. *If it be half-inciting.*

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[2] *In the midst of a game.*—That is, in the position of a quiescent spectator of a dangerous sport which has resulted in injury to some one.

The Book of Aicill.

Mara leṫbrostu, ocus ní fes; no mara combrostu, cia ro fes, cen co fes, is amuil fer laime iat mar aen, [no] is amuil fer medon cluithe.

In fer etrana coitcinde do ċuaid sis, slan do caċ fogail do dena riu aca netarscarad, aċt narab ar daigin fogla re corp; ocus mad eḋ, is fiach fon fath, muna coemnacar cena; ocus ma caemnacair, is fiaċ fo aicneḋ a faṫa air; ocus fiaċ cola cluiṫi o na conaib indrium cen caemaċtu, ocus ma ta coemaċtu tessaicṫi, is fiaċ cola cluiṫi.

In fer leṫetrana do ċuaid etarru, cid he budein cid he in cu risi ndechaid taib ro fogail risin coin amaċ tre fuir[ir]eḋ a leṫetrana sum, lan fiaċ uad isin coin amaċ, ocus slán don coin amuich eisium; lan fiaċ uad isin coin
C. 931. risin [ndeċaiḋ taiḃ; leṫ fiaċ ón coin risi ndeċaid] taib indrium, cen coemactu tessaicṫi, ocus ma ta coemactu tessaicṫi, is fiach cola cluithe.

Mara codnach do rigne in inmuille, slan cu ann, ocus fiaċ fo aicneḋ a faṫa ar fer inmuille.

Mara mac i naes ica leṫ diri do rine in inmuille, cethruime dire ocus othrus comlan co bas a torbaċ cen comgnim, ocus ma ta comgnim, is cethruime dire ocus leṫ oṫrus; ceithri seċtmaid othrusa co bas i nesbach cen

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[1] *In the midst of a game.*—Vid. note 2, page 195, *supra.*

If one of the dogs has been set to fighting,[a] and it is not known *which of the dogs did the injury;* or if they both be set to fighting,[b] whether it be known or not *which of them did the injury,* they (*the owners*) are both as (*in the position of*) one who inflicted the injury with his own hand, or both as the man in the midst of a game.[1]

[a] Ir. *If it be half inciting.*
[b] Ir. *If it be joint-exciting.*

The impartial interposer who went down *to separate the dogs* is exempt, whatever injury he may do to them in separating them, provided that it be not with intent to injure their bodies *he went;* and if it be *with such intent he went,* it is a fine according to the nature of the cause *he shall pay,* even if it (*the injury*) could not *be prevented;* and if it could *be prevented,* it is a fine according to the nature of the cause he incurs; and *there is* a fine for fair play for it (*any injury done him*) from *the owner of* the dogs, if it (*the injury*) could not *be prevented,* but if it could be prevented, it is the fine for foul play *that is due.*

The half-interposer[2] who went between them, whether it was himself or the dog which he went to help that, owing to his partial[b] interference, injured the other dog,[c] pays full fine for injuries to the other dog,[c] and the other dog[c] is exempt *on account of injuries* to him (*the half-interposer*); he pays full fine for *the injuries inflicted by* the dog in behalf of which he interfered; half fine *is due* from *the owner of* the dog in behalf of which he interfered, if he could not have prevented *the injury,* and if he could have prevented *it,* it is the fine for foul play *that is due.*

[b] Ir. *Half*
[c] Ir. *The dog without.*

If it be a sane adult that has excited (*a dog*), the dog is then exempt, and a fine according to the nature of the case is *to be paid* by the inciter.

If it was a youth at the age of paying half-'dire'-fine that caused the incitement, *he pays* one-fourth of 'dire'-fine and full sick maintenance till death *for injuries* to a profitable worker if he were not an abettor, and if he were an abettor, it is one-fourth of 'dire'-fine and half sick maintenance *he pays;* four-sevenths of sick maintenance

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[2] *The half-interposer.*—That is, one biassed in favour of one of the dogs.

comgnim, ocus ma ta comgnim, is da reċtmad; cethruime diri re taeb aithgina iar mbas ceċtar de, cid a torbaċ cid i nesbach cen comgnim, ocus ma ta comgnim, cethruime dire ocus leth aithgin.

Mará mac i naes ica aithgina do rine in inmuille, da reċtmad othrusa co bás a torbaċ cen comgnim, ocus ma ta comgnim, is reċtmaḋ; reċtmaid othrusa co bas i nesbaiġ cen comgnim, ocus ma ta comgnim, is in reċtmad rann dec. Cethruime reċtmad na aithgina iar mbas a cechtar de, cid a torbaċ cid i nesbaċ cen comgnim, ocus ma ta comgnim, is da reċtmaḋ.

Geibid greim leṫ aithgina cu cet cintaċ ac mac i naes ica leṫ dire, cid a leṫ re rubu cid a leṫ re dainib; ocus noca gabann ac mac i naes ica aithgina, aċt a leṫ re rubu nama, amuil do beiṫ cen inmuille itir; uair nesa do lan codnaig lan mic i naes ica aithgina; uair caċ codnaigetu i mbi fer inmuille, dligite cu, caċ ecodnaigetu i mbia fer inmuille, indligite cu. Caċ bail islan cu ac codnach, is C. 933. fiach fair [.i. leṫ oċras no leṫ aithgin] ac éccodnaċ; in bail is fiach fair a codnach, is mo biar fair ac ecodnaċ.

Bla mer cuirmtech, aċt ní bidba nama.

Bla mer cuirmtech, .i. slan don mir berair is tech i nebar in ċuirm. Aċt ní bidba nama, .i. aċt na raib bidbanus remtechtach aice nama, uair maḋ ed on, noco slan.

Mar ar dia rucad anund he, ocus ar dia ro airitniged

till death for *injury to* an idler if he were not an abettor, and if he were an abettor, it is two-sevenths: *he pays* one-fourth of 'dire'-fine besides compensation after death for *injury to* either, whether a profitable worker or an idler, if not an abettor, but if he were an abettor, one-fourth of 'dire'-fine and half compensation.

If it was a youth at the age of paying compensation that caused the incitement, *he pays* two-sevenths of sick maintenance till death for *injuries to* a profitable worker if he were not an abettor, and one-seventh if he were an abettor; *he pays* one-seventh of sick maintenance till death for *injury to* an idler, if he were not an abettor, and one-seventeenth if he were an abettor. One-fourth of one-seventh of the compensation after death *is to be paid* for *injury to* either, whether a profitable worker or an idler, if not an abettor, but if he were an abettor, it (*the payment*) is two-sevenths.

Half compensation is incurred by a dog if it be its first trespass, *when* incited[a] by a youth at the age of paying half 'dire'-fine, whether in respect of beasts or in respect of persons; and it is not incurred by a dog incited[a] by a youth at the age of paying compensation, only as regards beasts, *and the case is* as if there had been no incitement at all; for the full *fine* of a youth at the age of paying compensation is nearer to the full *fine* of a sensible adult *than is that of a youth at the age of paying half 'dire'-fine;* for the more sensible the inciter *of the dog* is, the less liable is the dog, *and* the less sensible the inciter is, the more liable is the dog. Wherever a dog is exempt if incited[a] by a sensible adult, there is a fine on it, i.e. half sick maintenance or half compensation *to the injured party,* if incited[a] by a non-sensible person; where it incurs a fine with a sensible adult, it incurs a greater fine with a non-sensible person.

[a] Ir. *With.*

The exemption of a fool in an ale house, provided he was not an enemy.

The exemption of a fool in an ale house, i.e. the fool is exempt who is brought into a house in which ale is drunk. **Provided that he was not an enemy,** i.e. provided only he had no previous enmity, for if he had, he is not exempt.

If it was out of charity[a] he was brought in, and if it was

[a] Ir. *After God.*

ṫall, slan don ti ruc anund he, ocus slan don ti ro airitnigid tall, slan druth cen adbur cen bidbanas. Ocus ma ta bidbanus, leṫ aithgin ar druth, ocus leṫ aithgin do dul re lar; ma ta aḋbar ocus bidbanus, teora cethruime na leth aithgina ar druth ocus cethruime do dul re lar.

Mas ar daigin a tairiachta rucad anunn he, ocus ar daigin a toirriachta ro airitnigead tall, aithgin ar in ti ruc anunn he, ocus ar in ti ro airitnig tall. Slan druth cen adbar, ocus ma ta bidbanus, leth aithgin ar druth, ocus leṫ aithgin orru mar aen: ma ta adbar ocus bidbanus, teora cethruime ar druth, ocus cethruime orrusom mar aen.

Mas ar dia rucad anunn he, ocus ar daigin a toirriachta ro airitnig (.i. ro ursaem) tall, slan don ti ruc anunn, ocus aithgin ar in tí ro airitnig tall, ocus slan eirim ann cen adbar cen bidbanus; ocus ma ta bidbanus, leṫ aithgin airrium, ocus leṫ aithgin ar in ti ro airitnig tall. Ma ta adbar ocus bidbanus, teora cethruime airrium, ocus cethruime ar in ti ro airitnig ṫall, ocus slan in ti ruc anund.

Mara ar daiġin a toirriaċta rucaḋ anunn he, ocus ar dia ro airitniged tall, aithgin ar in ti ruc anund, ocus slan in ti ro airitnig ṫall he, ocus slan eirium ann cen adbar cen bidbanus; ocus ma ta bidbanus, leṫ aithgin ar in ti ruc anunn. Ma ta adbar ocus bidbanus, teora cethruime airrim, ocus cethruime ar in ti ruc anunn he, ocus slan in ti ro airitnig thall.

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[1] *If he have cause.*—Cause here seems to mean what is called "causa sine qua non," something which exasperates the fool, some act or thing causing the affray.

[2] *Borne with within.* The words in parentheses in the Irish are an interlined gloss in the MS.

out of charity[a] he was entertained within, the person who took him in is exempt *from liability for his offence,* and the person who entertained him within is exempt, *and* the fool, if he have neither cause nor enmity, is exempt. And if he have enmity, half compensation *is due* from the fool, and *the other* half compensation is remitted;[b] if he have cause[1] and enmity, three-fourths of half compensation *fall* on the fool, and *the other* one-fourth is remitted.[b]

[a] Ir. *After God.*

[b] Ir. *Falls to the ground.*

If it was for the purpose of inciting him he was brought in, and for the purpose of inciting him he was entertained within, the person who brought him in, and the person who entertained him within, pay compensation. The fool who has not cause is exempt, but if he have enmity, the fool pays half compensation, and the other two (*the inciter and the entertainer*) pay half compensation; if he have cause and enmity the fool pays three-fourths *of compensation,* and the other two *pay* one-fourth.

If it was out of charity[a] he was brought in, and *if it was* for the purpose of exciting him he was entertained, i.e. borne with within,[2] the person who brought him in is exempt, and the person who entertained him within pays compensation, and *the fool* himself is exempt if he have neither cause nor enmity; but if he have enmity, he pays half compensation, and the person who entertained him within pays half compensation. If he (*the fool*) have cause and enmity, he pays three-fourths *of compensation,* the person who entertained him within pays one-fourth, and the person who brought him in is exempt.

If it was for the purpose of inciting him he was brought in, and *if* he was entertained within out of charity,[a] the person who brought him in pays compensation, and the person who entertained him within is exempt, and the fool himself is exempt if he have neither cause nor enmity; but if he have enmity, the person who brought him in pays half compensation. If he have cause and enmity, *the fool* himself pays three-fourths *of compensation,* the person who brought him in pays one-fourth, and the person who entertained him within is exempt.

THE BOOK OF AICILL.

C. 936. Cid be [mer] ro loisce etaċ a ċeile co naithinde no co caindill asrean aithgin ann, ma ta meisce, uair mesc caċ mer; meisce meraċta sain, ocus noco meisci lenna, uair damad ead, noco druth eisium.

Organ airleċta in druiṫ ar a aiġiḋ a aenur do rignesium annseic, ocus noco mescaiti he in lind dol, aċt greim toirriachta geibus do tairm ocus glor na sochaide do cloistin.

Codnaiġ cen meisci do rinne in toirriachaḋ ann sin, ocus damad codnaiġ co meisce, is inand ocus ro torreċtais mic i naes ica leithdire, .i. slan in mer is tiġ i nebaiḋ in cuirm, aċt ní bidbu nama .i. aċt aithgin namá, co na bud ed ro slaintiged do in ti ris i roibi bidbanus remteċtach do, aċt ni bidbanus athar na máthar, aċt bidbanus lae no aidċi roiṁi.

Bla miand midclais.

.i. slan don ti claides an mein ar a medonclais. Mein sin ar na fuil teċtugad, no ce beṫ teċtugad, ro heisced dfir bunaid hi. Slan aċt na roib forscrath fuiṫi, ocus ma ta, is a beṫ aṁuil in clad nindligteċ; ocus slainti esraiḋ ocus etarbaiḋ ann co ndenam a dliged, trian naithgena [i naes comgnimraiḋ, in caċ torbaċ, ocus in caċ C. 937. rob] in cach fògail do gentar aca imluad sis ocus suas; ocus tiaċtain o leṫ dire co trian naithgena.

Mara mein ara ta teċtugad, ocus nir eisced dfir bunaiḋ hi, cuic seoit ann, ocus aisec na miana feib ina

[1] *Unless it be.* The words "aċt ní, if it be not," are omitted in C. 934 and 1910.

[2] *The middle trench.*—"Middle" seems to mean, that the trench is sunk in a

Whatever fool it be that burns another person's clothes with a coal or a candle, pays compensation for it, if it be *done through* drunkenness, for though every fool is *as if* drunk; that is the drunkenness of folly, and not drunkenness from ale, for if it were, he would not be a fool *simply.*

The manifest assault of a fool is when he made it of his own accord, and was not more drunk from having drunk ale, but *because* his having heard the noise and voice of the crowd had the effect of inciting him.

Sensible adults who were[a] not drunk caused his incitement in this *case,* and if they were sensible adults who were drunk, the case is the same as if the incitement had been caused by youths at the age of paying half 'dire'-fine, i.e. the fool would be exempt in the house in which he drank the ale, provided only it was not an enemy *he assaulted,* i.e. *he* only *pays* compensation, so that he would not be exempt if *the person assaulted be* a person to whom he bore previous enmity, unless it be[1] enmity of father or mother, but *he is exempt for* enmity of one day or night before.

[a] Ir. *Without drunkenness.*

The exemption as regards mineral in a mine.

That is, the person is exempt who digs the mineral out of the middle trench.[2] This is mineral which has not been appropriated, or though it has been appropriated, respecting which the owner has given his consent. *There is* exemption provided there is no stripping of the sward *to get* to it, and if there be, it (*the case*) is to be as that of an "unlawful ditch;" and when it (*the work*) is legally done there is exemption *on account* of *injuries to* idlers and unprofitable workers, *but* one-third of compensation to fellow-workers *is due* to every profitable worker, and to every animal for every injury done in moving it (*the mineral*) up and down; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

Should it be mineral that has been appropriated, and the owner has not given permission respecting it, *the fine* for *digging* it *is* five 'seds,' and the restitution of the mineral

place "in medio," not appropriated by any person, or, which is equivalent, where the owner waiving his right permits it to be considered as unappropriated.

tarṫar, cid ina tindib, cid ina tanailgib, cid na aic[d]e urrlaim ber; ocus lan fiaċ in caċ fogail do gentar aca imluad, ocus beṫ fo cinaid na clairi, co roib fer bunaid na aititin re iarra tairred a lesuġad, co toil aici ma
C. 1917. nemlesuġaḋ. [Mad é a rama no in tsluasat deċ dia cinn, is sceinm do deċrain dóib], ocus is andsin ata lan fiaċ, i cet sceinm in uird, cen fis etallais.

No bla mein midclais.

C. 1915. .1. slan don miandaiġ in ní claides a mian [do ċaiṫeṁ, .i.] a tri mirenna do biud neich aile, no a tri sathanna
C. 1915. da biud budein [.i. a fir] aċt na caiṫea imarcraiḋ tairis; ocus da caiṫea, is fiaċ gaiti na himarcrada uaiṫi, no, cumad fiaċ gaiti na huiliataide. Aċt ma tainic clo a miana de, is a airec uaiṫi co lan fiachaib gaiti; maní
C. 1915. tainic clod a mían de itir, is [aṁail] inndeiṫbire torba
C. 1915. [im] aithgina in bid ann.

Manar cuindiġ in ben in biad itir, aċt mas ar daiġin marbṫa in leinim nar cuindig in ben in biad, coirrdire ocus eneclann dic re fine a athar, cumal dic re fine mathar, coibċe ocus eneclann dic fris in fer.

Mas ar daiġin nessa, ocus ni hessa i leṫ frisin lenam, leṫ coirrdire dic re fine a athar; leṫ cumal dic re fine mathar, coibċe dic fris in fer. Essa i leṫ re neċ aile sin, ocus damad essa i leit frisin lenam, ro ba essa is col cluiṫi, ocus lan fiach ind.

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[1] *For the first slipping of the sledge.*—The MS. is evidently defective here.

as it is when taken, whether it be in bars, or in masses, or in manufactured[a] articles; and full fine *is due* for every trespass that is committed in moving it, and he (*the miner*) shall be liable for such injuries as the trench may cause,[b] until the owner shall have been aware of it (*the trench's state*) for a time during which he might have it properly settled, he having a choice of not settling it. If it be the spade or the shovel that went off its handle, such are to be considered as *cases of* slipping off, and it is in this case there is full fine, *as there is* for the first slipping of the sledge,[1] without knowledge of defect.

[a] Ir. *Ready.*

[b] Ir. *Of the trench.*

Or, the exemption *in cases* of the gratification of desire.

That is, the longing woman is exempt in eating what subdues her yearning, i.e. three bits of another's food, or three sufficient meals of her own food, i.e. her husband's, provided she eats not much more than this; and should she eat it, a fine for stealing the extra portion *is due* of her, or, *according to others,* a fine for stealing the entire. But should her yearning be subdued by it, she shall pay *for* it with full fines for theft; if her yearning has not been subdued by it, it is like unnecessary profit as regards restitution of *an equal amount of* food in the case.

If the woman did not ask for the food at all, and if it was for the purpose of killing the child *in her womb* the woman did not ask for the food, there shall be paid body-fine and honor-price to the family of the father, a 'cumhal' is to be paid to the family of the mother, a 'coibche'-wedding present and honor-price are to be paid to the husband.

If it was on account of thoughtlessness *she did not ask for the food,* and it was not thoughtlessness respecting the child, there shall be paid half body-fine to the father's family, and half a 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift is to be paid to the husband. The thoughlessness was respecting some one else in this case, and if it had been thoughtlessness respecting the child, it would be thoughtlessness of foul play, and full fine *would be inflicted* for it.

THE BOOK OF AICILL.

Mas ar daiġin tlas no naire nar ċuindig in ben in biad, cumal dic re fine athar, sechtmaḋ na cumaile dic re fine mathar, coibċi dic risin fer.

Mas e in fer na tuc in biad, a fegad ca faṫ ar na tuc.

Aċt mas ar daigin marbṫa in leinim, coirpdire ocus eneclann dic re fine athar and, cumal dic re fine mathar, coibċe ocus eneclann dic risin mnai.

Mas ar daigin nessa, ocus ni hessa i leith ris in lenum, leṫ coirpdire dic re fine athar, ocus leṫ cumal dic re fine mathar, coibċe dic risin mnai. Essa i leṫ re nech aile sin, ocus damad essa i leṫ risin lenum, ro bad eassa is col cluiṫi, ocus lan fiach ind.

Mas ar daigin secdachta no gaindi na tuc in fer in biad, C. 939. [is amail indeṫbir torba im aithgin ind]; cumal dic re fine athar aṅn, sechtmad na cumaile dic re fine mathar, coibċe dic risin mnai.

O lanumanda ata sin, ocus masa duine naċ lanumanda, inunn he ocus sain, aċt can coibċi o duine nach lanumanda.

No dono cena, cid mor da biud fein do caithiḋ conná beṫ ni uaiṫi ann, aċt isin biaḋ sollamanda, .i. cásc no notlac sin, ocus is ann ata in eiric.

Bla druth diburcud.

If it was on account of timidity or shame that the woman did not ask for the food, there shall be paid a 'cumhal' to the father's family, the seventh of a 'cumhal' is to be paid to the mother's family, *and* a 'coibche'-wedding gift is to be paid to the husband.

If it was the husband that did not give the food, it is to be seen for what reason he did not give *it.*

If it was for the purpose of killing the child *he did not give the food,* there shall be paid body-fine and honor-price to the father's family for it (*the refusal*), a 'cumhal' is to be paid to the mother's family, a 'coibche'-wedding gift and honor-price are to be paid to the woman.

If it was on account of thoughtlessness, and not thoughtlessness respecting the child, *that he did not give the food,* there shall be paid half body-fine to the father's family, *and* half a 'cumhal' is to be paid to the mother's family, *and* a 'coibche'-wedding gift shall be paid to the woman. This was thoughtlessness respecting another person, but if it had been thoughtlessness respecting the child, it would be thoughtlessness of foul play, and *there would be* full fine *payable* for it.

If it was through parsimony or niggardliness the man did not give the food, it is like *a case of* unnecessary profit as regards compensation for it; there shall be paid a 'cumhal' to the father's family for it, the seventh of the 'cumhal' is to be paid to the mother's family, *and* a 'coibche'-wedding gift shall be paid to the woman.

From a married person this (*the above payment*) is *exacted;* and if it be a person that is not married, it (*the payment*) is the same as this, except that a 'coibche'-wedding gift is not *obtained* from an unmarried person.

Or else, indeed, whatever quantity of her own (*i.e. her husband's*) food she consumes nothing is to be paid by her for it, except for the food of a solemn feast, i.e. of Easter or Christmas, and it is for *eating* this *food* the 'eric'-fine is *due.*

The exemption of a fool in throwing.

THE BOOK OF AICILL.

C. 1910. .i. slan don druṫ can eric in dibraicṫi do ní dic o biar codnach toirreċda ar aird, ocus o ná bia adbar na bidbanar aice [budein]; no iseḋ islan lium don druṫ cen eiric in dibraicṫi do ni dic, o na bia codnach toirriachta ar aird, ocus o biar adbar ocus bidbanus aice.

C. 1918. Bla ethar imarċur [a port a port].

.i. mad he a gait do neither, is eneclann ocus aithgin, no cumad diabla i crand lestra. Mad ethar coitċenn imurro, islan a breiṫ caċ conair aċt co tora a aithgin fein ar culu.

Mad gait gataiter he, aċt ma ro aithneḋ in coitcenn he i laim airiṫi, isi a eneclannsum icar ina gait.

Manar aiṫen itir he, is eneclann araḋ na cille air i fogail indlis i cind cille, ocus aithgin; no cuma diablad i crand lestra.

C. 1918. Slan don ti beirius leis in tethar da imarcur ar in purt ina ċeile. [Islan do cia foglaiġi risin eṫar ga chur sis ocus da ṫabairt anís; islan do cia briseḋ a sgulmaireaḋa ocus a raimeaḋa, aċt narab tria borblacas, uair mas eḋ, is fiaċ a faṫa air ann. Slan an drir in eṫair, cia foġail in tetar riusam, aċt na raib fis etallais, ocus maḋ ed, is fiaċ fon faṫ]. Ethar coitċenn sin ar na fuil techtugad, no ce beṫ techtugad air, ro eisced drir bunaiḋ he; ocus slan a breiṫ in airet berair caċa nuaire, mara ethar ar na fuil techtugad, no in airet ro eisced, mara ethar ara ta techtugad, aċt na ructar imarcraid tairis; ocus da ructar, cuic seoit and, ocus aisec in ethair cona ramadaib, cona sculmaire, ocus cona aicde urrlaim.

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[1] *Or where I deem the fool exempt, &c.*—The MS. seems to be defective here, as the cases put appear to be contradictory.

[2] *A wooden vessel.*—That is a boat made of timber, as contradistinguished from a corracle.

[3] *Unlawful trespass.*—This is a quotation from some ancient law-book.

That is, the fool is exempt from paying the 'eric'-fine for his throwing when the sensible adult who incited him is present, and when he himself has neither cause nor enmity; or, where I deem the fool exempt[1] from paying the 'eric'-fine for his throwing, is when there is not an inciting sensible adult present, and when he has cause and enmity.

The exemption *in respect* of a ferry-boat from bank to bank.

That is, if it has been stolen, it (*the penalty*) is honor-price and restitution *of it*, or, *according to others*, it is double for a wooden[a] vessel.[2] But if it be a common ferry-boat, it may be taken any where provided its equivalent[b] be brought back, *i.e. the boat itself be restored.*

[a] Ir. *Tree.*

[b] Ir. *Restitution of itself.*

If it had been stolen, and if the community had given it in charge to a particular person,[c] his honor-price shall be paid for stealing it.

[c] Ir. *A particular hand.*

If it had not been given in charge at all, it (*the penalty*) is the honor-price of the abbot of the church for "unlawful trespass[3] against the church," and restitution *of it*; or, it is to be double for a wooden[a] vessel.

The person who takes the boat to carry him from one bank to the other is exempt. He is exempt though he injures the boat in taking it up and putting it down; he is exempt though he break her sculls or her oars, provided it be not *done* through violence, for should it be, he shall be fined according to the nature[d] of the case. The owner of the boat is exempt, though the boat should injure them *who use it*, provided he had no knowledge of defect, and should he have, it is a *case of* fine according to the nature[d] of the case. This is a common boat, of which there is no private ownership, or though there be private ownership, the owner has allowed it *to be so used*; and it is safe to take it as far as it is each time taken, if it be a boat which is not private property, or as far as has *usually* been permitted, if it be a boat which is private property, provided it be not taken much beyond it; and should it be *so* taken, five 'seds' is *the fine* for it, and restitution of the boat with its oars, with its sculls, and its ready *made* articles.

[d] Ir. *Cause.*

Ma biḋ i laim duine airithe he, is na cuic seoit do breiṫ do; ocus mana fuil, is a breiṫ dfir graid na criċi, ocus mana fuil, is a breiṫ do deoraiḋ dé.

Masa ethar ara ta techtugaḋ, ocus nir eisced do fir C. 1921, 941, &c. bunaid, [lan fiaċ in caċ foġail do rigned aca cur sis ocus suas], ocus cuic seoit, ocus aitġin in ethair cona ramadaib ocus cona aicde urrlaim.

Ma ta fer puirt airiṫi ann, aċt masa leis in port aliu ocus anall, is a breiṫ do a aenur; munar leis itir, is a comraind do eturru ocus fer in puirt aile.

Mana uil fer puirt airiṫe and itir, aċt masa ethar tuaiṫi he, is a breith do dligteċaib tuaiṫe.

Masa ethar ecailsi, is a breiṫ do dligṫeċaib ecluisi, ma tait ann, ocus muna fuil nechtar de dib and, is a C. 941. briṫ do deoraiḋ de [na criche].

Masa ethar fora ta techtugad, ocus nir eisced he dfir bunaiḋ, cuic seoit and, fiaċ forcraid fomalta for oin and, ocus aithgin in ethair cona ramaib ocus cona sculmairib, ocus lan fiaċ in caċ fogail do dentar aca imluad sis ocus anis; no, comad lan fiach in caċ fogail do gentar aca breiṫ sis, ocus indeithbire torba [im] aithgin in caċ fogail do gentar aca tabairt anis, uair is torba a toirciḋ.

Acht nir forlucht no anfuth.

.i. do cuir ind, .i. na huile codnaid ineoch is eolach i ndligeḋ mara ocus uisci, cid be faṫ a focla orro, islan.

Na huile codnaiġ uile ineoch nach eolach i ndligeḋ mara ocus uisci, ocus na huile ecodnaiġ, cid eolaċ cin cob eolaċ i ndligeḋ mara ocus aisci, cid be faṫ ara

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[1] *Unnecessary profit.*—To take the boat out of the water is useful to the owner, as tending to the preservation of the boat, therefore the compensation for injuries

If it (*the boat*) be in the hand of a particular person, he takes the five 'seds;' but if it is not, they shall be taken by the ecclesiastic of the territory, *if such there be*, and if he is not, they shall be taken by the pilgrim *of the territory*.

If it be a boat which is private property, and which the proprietor did not permit *to be used, there is* full fine for every injury done in putting it up and down, and *a fine of* five 'seds,' and restitution of the boat with its oars and ready made articles.

If there be a special owner of a bank, and if he owns the bank on this side and on the other, he alone takes them (*the five 'seds'*); but if he does not own *both banks*, he divides them (*the five 'seds'*) equally between himself and the owner of the other bank.

If there be no special owner of a bank at all, and if the boat belong to the territory, it (*the fine*) is taken by the lawful *inhabitants* of the territory.

If it be the boat of a church, it (*the fine*) is taken by the lawful *people* of the church, if there be such; and if there be neither of these, it (*the fine*) is to be taken by the pilgrim of the territory.

Should it be a boat which is private property, and which the owner did not permit *to be used*, five 'seds' *is the fine* for it—the fine for overusing a loan—and restitution of the boat with its oars and sculls, and full fine for every injury done in moving it up and down; or, *according to others*, there is full fine for every injury that is done in bringing it down, and it is unnecessary profit with respect to restitution for every injury that is done in bringing it up, because it is profitable to save it.

But that there be no over-burden or storm.

That is, to be taken into account, i.e. all sensible adults who are skilled boatmen,[b] for whatever cause asked *to enter it*, are exempt.

As regards all sensible adults who are not skilled boatmen,[b] and all non-sensible adults whether skilled boatmen or not, for whatever cause asked to enter it, there is full

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incidental to such an act should be less than for those consequent on the launching of it, by which it would be put in peril.

[a] Ir. *Man of grade.*

[b] Ir. *Skilled in the law of sea and water.*

foclad̆ orro dul ind, is fiac̆ fo aicned̆ a fat̆a ar in ti ro focla orro; ocus is e in fiach isin: mas ar daiğin a c̆ora tairis, is amuil indeit̆bire torba im aithgin; mas ar daiğin a fliuc̆a, no a cechart̆a, is amuil col cluit̆e im lan fiach.

Slan a breit̆ for anfuth a fiadnaise, no for fet̆ i necmais; act̆ na ructar for anfuth i necmais; ocus da ructar, is fiac̆ foimrime ann, ocus aisic in ethair co na ramadaib ocus cona aicdib urrlama.

Bla liach linad.

.i. slan don ti linas in leig act nib tairrsi do liniter no claentar. Ni fiachaigter, [.i.] noca fuilit feich idir isin essac̆, ma trit fobraenaiter. Assirter, eirniter eiric ann isin torbac̆; .i. ma tria lestar fobraenait̆er, assirter amuil cet sceinm co fis etallais; ocus noco teit in bla so tar aithgin, ar a foilli ocus ar a nemaicbeile a gnimraid.

Slainti esbaiğ ocus etorbaiğ do cet sceinm na leiğe can fis etallais, ocus tiachtain o let̆ dire ann co trian naithgina.

Mas e in sceinm tanaisti, ocus ni sain suidigud, is amuil indeit̆bire torba im let̆ aithgin i nespaiğ ocus i netarbaiğ, aithgin a torba, let̆ dire la aithgin cen fis, cen aicsin. Mara aicsiu, co sailec̆ta a fiac̆tana co coemachtu imgabala, cethruime dire la aithgin i nespaiğ ocus i

fine according to the nature of the motive upon the person who asked them; and the fine is this: if it was for the purpose of putting across *the river*, it is as *a case of* unnecessary profit with respect to restitution; if it was for the purpose of wetting them, or splashing them, it is as *a case of* foul play with respect to full fine *being due for it.*

It is safe to take it (*the boat*) out in a storm, in the presence (*of the owner*), or in calm weather in his absence; but that it be not taken out in a storm in his absence; and if it be *so* taken, the fine for working it shall be *paid* for it (*the taking out*), and *there shall be* restitution of the boat with its oars and its ready *made* articles.

The exemption *in respect* of filling a ladle.

That is, the person who fills the ladle is exempt so as it is not over-filled or inclined *to one side.* There is no fining, i.e. there is no fine at all for *injury done to* the idler, if it has leaked through it (*the vessel*). It (*the injury*) shall be paid for, *i.e.* 'eric'-fine shall be paid for it (*the injury done by leaking*) in *the case of* the profitable worker; that is, if it has leaked through the vessel, it (*the injury done*) is paid for like the first slipping with knowledge of defect; and this exemption does not hold good beyond *cases of* restitution, because of the trifling and non-dangerous nature of the action.

There is exemption *from fines* for *injury done to* idlers and unprofitable workers by the first slipping of the ladle without knowledge of defect, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

Should it be the second slipping, and the arrangement be not different, it is as *a case of* unnecessary profit as regards half compensation for *injury to* idlers and unprofitable workers, compensation for *injury to* profitable workers, half 'dire'-fine with compensation *for injury to animals* if they are not known *to be present*, or not seen. If they were seen, and if its reaching them may have been expected and could have been avoided, *there is* one-fourth 'dire'-fine with compensation for *injury done to* idlers and unprofitable

netarbaig̃, leč dire la aithgin a torba, ocus lan dire la aithgin a rubu.

Mas e in tres sceinm, ocus ni rain suidig̃ud̃, cethruime diri la aithgin i nessac̃ ocus i netarbac̃, leč dire la aithgin a torba ocus a rubu cen fis cen aicsin. Co sailec̃ta a riac̃tana, co caemac̃ta imgabala, leč diri la aithgin i nessac̃ ocus i netarbac̃, lan dire la aithgin a torba, ro siac̃t lan cena a rubu.

Mas e in cethramad̃ sceinm, ocus ni rain suidiugad̃, leč dire la aithgin i nessach ocus i netarbach, lan dire la aithgin a torbacu ocus a rubu.

C. 1923. Bla fer cat̃a on trath co raile, [no co cend sechtmaine.]

.i. slán do a fear comcat̃a budein do marbad on trath co raile, [mad] itir da tuait̃ [i comfocraib fer in cat], no itir dá cuiced̃; no co cend sec̃tmaine, mar dá cúiced̃ i naig̃id̃ aen cuicid̃, no itir gulla ocus gaedelu. Ocus cid iat firu erenn uile fer i naen baile ar in re bet̃ir a cur in cat̃a sin, [is e sin re ata eturro]; ocus ó t̃a sin amach is am̃uil fer rechta i necorc dilsig̃ do a fer comcat̃a budein do marb̃ad̃, no is amuil indilsec̃ i ric̃t indilsig̃.

C. 1923.

C. 943.

Is and is [am̃uil] fer rec̃ta i nécorc dilsig do a fer comcat̃a budéin, in inbaid na raib bersna eturru ocus in

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[1] *If it be a battle between Galls and Gaels.*—C. 1925, adds a fragment here, "The battle between two territories is to last twenty-four hours; that between

workers, half 'dire'-fine with compensation for *injury done to* profitable workers, and full 'dire'-fine with compensation for *injury to* animals.

Should it be the third slipping, and the arrangement be not different, *there is* one-fourth 'dire'-fine with compensation for *injury to* idlers and unprofitable workers, *and* half 'dire'-fine with compensation for *injury to* profitable workers and animals if they were not known *to be near* or were not seen.[a] *If they were seen, and* if its reaching them may have been expected and could have been avoided, *there is* half 'dire'-fine with compensation for *injury to* idlers and unprofitable workers; full 'dire'-fine with compensation for *injury to* profitable workers, *and* there is full 'dire'-fine for animals also.

[a] Ir. *Without knowing, without seeing.*

Should it be the fourth slipping, and the arrangement be not different, *there is* half 'dire'-fine with compensation for *injury to* idlers and unprofitable workers, *and* full 'dire'-fine with compensation for *injury to* profitable workers and animals.

The exemption of a combatant from one day to another, or to the end of a week.

That is, he is exempt for killing his own antagonist from one day to another, if the battle be between two territories or two provinces with mutual notice; or to the end of a week if it be *a battle of* two provinces against one, or *if it be a battle* between Galls and Gaels. And though it be all the men of Erinn that are at one place fighting that battle this is the time *during* which *the battle* is *supposed to be* between them; and from this out, to kill one's foeman is like *the killing of* a man whom it is unlawful to kill[b] in the person of a man whom it is lawful to kill,[c] or like *the killing of* one whom it is unlawful to kill[b] in the person of one whom it is unlawful to kill.[b]

[b] Ir. *Innocent.*
[c] Ir. *Guilty.*

The case in which one's foeman is as a man whom it is unlawful to kill in the person of one whom it is lawful

two provinces for a week, that between the Galls and Gaels for a month, i.e. certainty for uncertainty, i.e. as to time."

luċt amaiċ; no cé ro bai, is iat in luċt amaich ro turbro[d].

Is and is amuil indilreċ a riċt indilriġ do a fer comcaṫa budein do marbaḋ, in inbaid ro bai bescna etarru, ocus is iat in luċt tall ro turbrod.

Muna roib bescna eturru, slainti na fogla do niat ria cur in caṫa, ocus iar cur in caṫa, ocus in uair cora in caṫa budein.

Ma ro bai bescna eturru, comardugaḋ co friṫaigiḋ no cen friṫaiġiḋ, itir na fogla do rindaḋ ria cur in caṫa ocus iar cur in caṫa; slainti na fogla do rined in uair C. 945. cora in caṫa bodein, uair scuirid cat [cairde] do gres, ocus noca scuirenn bescna.

Is ann ata in comardugaḋ co friṫaiġiḋ in inbaid do rine in cet fer fogail, ocus ni targaiḋ dligeḋ, ocus do rigned fogail ris ind; ocus a slainti don fir deiḋinaċ co trian.

Is ann ata in comardugaḋ cen friṫaiġiḋ in inbaid do rine fogail in cet fer, ocus targaid dligeḋ, ocus nir gab uad, aċt fogail do denam ris dar a cenn; a comardugaḋ cen friṫaiġiḋ sin.

Is and ata in comlecaḋ a da nindliġeḋ aiġiḋ in aiġiḋ in tan na roibe bescna eturru ria cur in caṫa; no ce ro C. 945. bi, ro cuirset dib he in uair cora in caṫa. [Uair] scuirid caṫ cairde, ocus noco scoirenn bescna. Caṫ do muin C. 945. bescna [sin], ocus dama do muin neimbescna ro bo slan.

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[1] *It was violated.* For Turbro. This is the reading of the MS., and in some parts of H. 3.18. Dr. O'Donovan in his transcript added a final d, as the word is so written in the MS. a few lines further on.

[2] *Adjusted without reprisal,* i.e. there is no restitution necessary in this case, the

to kill, is when there was not a 'bescna'-contract between him and the opposite party;[a] or when, though there was, it was violated[1] by the opposite party.[a]

The case in which to kill one's own foeman, is the same as *to kill* one whom it is unlawful to kill,[b] in the person of one whom it is unlawful to kill,[b] is when there was a 'bescna'-contract between them, and it was his own party[c] that violated *it.*

[a] Ir. *The people outside.*
[b] Ir. *Innocent.*
[c] Ir. *The people within.*

If there was not a 'bescna'-contract between them, there shall be exemption *on account* of such trespasses as they may commit before giving battle, and after giving battle, and during the battle itself.

If there was a 'bescna'-compact between them, there shall be an adjustment, with reprisal or without reprisal, between the trespasses which were committed before giving battle and after giving battle; *and there shall be* exemption *on account* of the trespasses committed during the battle itself, for battle always dissolves 'cairde'-regulations, and does not dissolve 'bescna'-contracts.

The case in which adjustment with reprisal is made is when one man commits trespass, and does not offer *to submit to* law, and trespass was committed against him in the case; and the latter is exempt as far as one-third *of compensation.*

The case in which adjustment without reprisal is made is when one man commits trespass *on another,* and offers *to submit to* law, and he (*the other party*) did not accept *the offer,* but committed trespass against him in return; this is to be adjusted without reprisal.[2]

The case in which two illegalities counterbalance each other is when there had not been a 'bescna'-contract between them (*the two parties*) before giving battle; or though there had been, they laid it aside at the time they gave battle. For battle *always* dissolves 'cairde'-regulations, but does not dissolve 'bescna'-contracts. This was a battle after a 'bescna'-contract, and if it had been subsequent to a state of non-'bescna'-contract (*i.e. enmity*) there would be exemption.

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aggression and offer to submit to law on the one side being considered as balanced by the refusal of the offer of law and the trespass committed in return on the other.

THE BOOK OF AICILL.

C. 944 and 945.

[Slan do a fer nembescna do gres do marbad, no co di re dliged, ocus iar tiac̃tain re dliged, co roib bescna atarru, no co cend dec̃maid as a haithle.

Let fiach is in luc̃t ro marbad ina ric̃t amuig̃, co coemac̃tin a fastaig̃c̃i; ocus mana fuil coemac̃tain a fastaig̃c̃i, islan uile.

Slan do in fer ro bai ina adaig do marbad tis, ocus islan do a marbad t̃uas; ocus islan do gid giallaigec̃t, cid daire, cid cimidec̃t do bera fair.

Mad ro tesairg a fer comcatha budein, ocus is forro ro mebaid, ocus cinnti co marbfidis in luc̃t eile, is coirpdire comlan dar a eisse.

Madsa cundtabairt co na mairbfidis, is let̃ coirpdire. Masa cinnti co na mairbfidis, noc̃o nfuil nac̃ ni.

Duine ruc leis fis in tarm no in tetach a haititin in fir bunaid, islan, uair is amail oin; in baile i narad, uair is amail óin i ninad eipiltneac̃.]

Seoit a fiallaig̃ comcat̃a bodein, ocus orrosom ro mebaid, ocus cinnti comberdais in luc̃t aile, ocus a ndilsi uile. Masa cunntabairt is a let̃ dilsi; masa cinnti co na berdais, [noc̃o nuil nach ní], iseoit imluaid, ocus noco teit dar cuitid̃ tobaig̃ na criche. C. 946.

Trian isan aithne naenuaire, ar cul in cat̃a, ocus cinnti comb[er]dáis in luc̃t aile; masa cunntabairt iseisid; mas cinnti co na berdais, in tainmraindi gebus in la sin non blog don lo sin isin bliadain, corab e in

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[1] *The levying share of the territory.*—This seems to imply that the territory wherein a battle was fought was entitled to levy or claim a share of the goods left behind on the battle-field, in certain circumstances.

There is always exemption for him (*the combatant*) in killing the man with whom he has not a 'bescna'-contract, until he submits to law, and after his submitting to law, until a 'bescna'-contract is *made* between them, or for ten days after.

There is half fine for the people killed in the character of those outside, if they could have been taken *prisoners;* but if they could not have been taken *prisoners*, there is complete exemption.

He (*the combatant*) is exempt *from liability* for the killing of a man who was opposed to him below (*on the battle-field*); and he is exempt for killing him above (*out of the battle-field*); and he is exempt whether he brings him into hostageship, or bondage, or imprisonment.

If he (*the combatant*) has saved his own fellow-combatant, and they (*his own party*) were defeated, and it was certain that the other party would have killed *him*, there is full body-price for him.

If it were doubtful that they would have killed *him*, there is half body-price *for him.* If it were certain that they would not have killed him, there is nothing *for him.*

A person who brought the weapons or the clothes of another down (*to the battle-field*), with the owner's knowledge, is exempt, for it is as a loan; when he is forbidden, *he is not exempt*, for it is as a loan in a dangerous place.

A man is entitled to *take from the battle-field* the 'seds' of his own fellow-combatants, when they were defeated, and it was certain the enemy[a] would have taken *them.* If it were doubtful he is entitled to half; if it be certain that they would not have taken *them*, he is entitled to nothing, they are articles of carriage, and do not go beyond the levying share of the territory.[1]

There is one-third *of its value due to a man* for *taking* charge *of property* for one hour, at the rere of the army, when it is certain the other party (*the enemy*) would have taken it; if it be doubtful, it (*the payment he is entitled to*) is one-sixth; if it be certain they would not have taken it, the proportion which that day or the part of that day bears

[a] Ir. *The other people.*

tainmraindi sin do dech[m]aiḋ in treoit ber ar an aithne naenuaire.

Ciḋ fodera co fuil trian ar a naithne seo ocus co na fuil acṫ dechmaḋ is na aithniḃ aile? Is e faṫ fodera, ar a aicbeile.

Cid fodera o rab aicbeil hi cen a dilsi uile? Is e faṫ fodera, daiṫi a indligiḋ air aithne do gabail ocus se ar cul in caṫa.

Cid fodera marab indliged do in aithne do gabail ní do breiṫ do? Is e faṫ fodera, do riaċt leis a heislind in inill hi: uair na haithne aiṫnitear don duine in eislind, o do ria leis co inill, ata trian do ar a comet; in aithne aiṫnitear do duine i ninill, ce do bera a hinill co heislind hi, noco nuil acṫ a dechmaḋ do ar a coimet.

Bla susta aith.

.i. Slan a mbrisenn in tsuist isin aith.

Ma neċ teis fuiṫe, aiṫgin i naes comgnimraid mad aġaiḋ; ma taeb fri taeb, is trian naithgina.

Ma da cind foceird in tsuist, is aithgin ina cet sceinm, ocus leṫ dire la aithgin isin sceinm tanaisti, lan dire is in tres sceinm, ocus, Laiġiḋ ail for naesaib, so.

Slan a ndenann in tsuist fri caċ codnach do ċi, ocus aithgin a rubu ocus a necodnaċ, ocus a naes cotalta, ocus in caċ aen na faicenn; ocus, Laiġiḋ ail for naesaib, in focal so.

.i. Slan don ti imres in tsuist is in aiṫ, act nib tarrsna do fuarcartur enech i neineċ, acṫ nib tarrsna indligteċ

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[1] *The old rule transcends the new knowledge.*—A quotation from some old law-tract. In C. 1868, there occurs a fragment beginning with "Laigid ail for naesaib," which is thus glossed, "the 'ail,' that is the rock of the 'Senchus Mor' transcends the new knowledge, the false commentaries."

to a year, is the proportion of a tenth of the 'seds' that is to be *paid him* for the charge of *them for* one hour.

What is the reason that there is one-third *payable* for this charge and that there is but one-tenth for the other charges? The reason is, because of its dangerous nature.

What is the reason that as it (*the charge*) was dangerous, it (*the property*) is not all forfeited *to the keeper?* The reason is, to punish him for his illegality in having taken a charge while at the rere of the army.

What is the reason that when it is unlawful for him to take the charge he gets anything? The reason is this, he brought it (*the property*) from a place of insecurity to one of security; and when a person has brought a charge intrusted to him in a place of insecurity to one of security, he is entitled to one-third for guarding it; when a person has brought a charge intrusted to him in a place of security, from that place of security to a place of insecurity, he is entitled to only one-tenth for guarding it.

The exemption *in case* of *injury by* a flail in a kiln.

That is, there is exemption for that which the flail breaks in the kiln.

If a person comes under it, there is compensation for *injury to* fellow-labourers if *they are face to* face; if side by side, it (*the fine*) is one-third of compensation.

If it is off its head the flail flew, there is compensation for the first slipping, and half 'dire'-fine with compensation for the second slipping, *and* full 'dire'-fine *with compensation* for the third slipping; and this *is a case of* "the old rule transcends the new knowledge."[1]

There is exemption for what *injury soever* the flail does to every sensible adult who has his sight, and *there is* compensation *due* for *injury to* animals and non-sensible persons, and to such as are asleep, and to every one who has not sight; and "the old rule transcends the new knowledge" is the rule[a] here.

[a] Ir. *word.*

That is, the person who wields the flail in the kiln is exempt, provided he does not cross-strike *the person threshing* face to face *opposite him, and* provided each of them does

tuaircer caċ dib aiġiḋ re aiġiḋ in fir aile, uair mad ed on, noco slan.

Slainti essaiġ ocus etarbaiġ do cet sceinm na suirte, cen fis etallais; trian naithgina i naes comgnimraiḋ, in caċ torbac, cia no connaic cen co facaiġ, ocus in caċ rob na facaig; ocus mat connaic na rubu, is aithgin.

Mas e in sceinm tanaiste do ċul ocus do ṫaib, no in cet sceinm do leṫ da aġaiḋ, is amuil indeiṫbire torba im leṫ aithgin i nessach ocus i netarbach; aithgin a torbaċ ce do connaic cen co facaiġ; leṫ dire la aithgin a rubu co naicsin na rob, ocus mana acaig, is aithgin.

Mas e in tresceinm do ċul ocus do ṫaib, no in dara sceinm do leṫ da agaiḋ, cethruime dire la aithgin i nessbach ocus i netarbach, cia nas connaic cin co facaiġ; lan dire la aithgin a rubu co naicsin na rob, ocus mana acaiġ, is leṫ dire la aithgin.

Mas e in cethramaḋ sceinm do ċul ocus do ṫaib, no tres sceinm do leṫ do aigid, leṫ diri la aithgin i nessach ocus i netarbaċ, lan dire la aithgin a torbaċ, ro siaċt lan cena a rubu.

Is cutruma isin torbaċ do ċul ocus do ṫaib, ocus isin fer comgnima do ċul ocus do ṫaib. Is cutruma isin fer comgnima da aiġiḋ ocus isin torbaċ da aġid.

In tessaċ islan do ċul ocus do ṫaib, ata leṫ aithgin ann for a aiġiḋ. In tessach a fuil leth aithgin do ċul ocus do ṫaib, ata aithgin comlan and for a aiġiḋ.

not unlawfully cross-strike the other man face to face *opposite him*, for if it be so, *he is* not exempt.

There is exemption for *injury to* idlers and unprofitable workers in the first slipping of the flail, without knowledge of defect; one-third of compensation for *injury to* fellow-labourers *and* all profitable workers, whether he (*the thresher*) saw them or not, and for every animal which he did not see; and if he saw the animals, there is compensation *for injury to them.*

Should it be the second slipping *of the flail* backwards and sideways, or the first slipping aside forward, it is like *a case of* unnecessary profit as regards half compensation for *injury to* idlers and unprofitable workers; compensation *is the fine* for *injury to* profitable workers whether he (*the thresher*) saw or did not see *them*: half 'dire'-fine with compensation for *injury to* animals, if he saw the animals, and if he did not see *them*, it (*the fine*) is compensation.

Should it be the third slipping backwards and sideways, or the second slipping aside forward, *there is* one-fourth dire'-fine with compensation for *injury to* idlers and unprofitable workers, whether he (*the thresher*) saw them or not; full 'dire'-fine with compensation for *injury to* animals, if he saw the animals, and if he did not see *them*, it (*the fine*) is half 'dire'-fine with compensation.

Should it be the fourth slipping backwards and sideways, or the third slipping aside forward, *there is* half 'dire'-fine with compensation for *injuring* idlers and unprofitable workers, full 'dire'-fine with compensation for *injuring* profitable workers, full 'dire'-fine is incurred for *injuring* animals also.

There is the same *fine* for *injuring* the profitable worker and the fellow-worker *when the flail slipped* backward and sideways. It is the same *fine* for *injuring* the fellow-worker and the profitable worker *when the flail slipped* forward.

There is exemption for *injuring* the idler *when struck* backwards and sideways, there is half compensation for *injuring* him *when struck* forward. The idler for whom there is *paid* half compensation *when struck* backwards and sideways, has full compensation *when struck* forward.

Culturtaid ocus taebturtaid aithfegtar ann in aiṫ, ocus noco naiṫfegtar aċt aiġiḋ nama a cerdċa.

Bla crand cutaim, aċt arfogra riam.

.i. Slan don ti benus in crand da tuitim, .i. aċt co nderna urfocra reime riam. Ised dlegur urfocra do codnaċaib, urscartad ror ocus eccodnaċ, duscaḋ aesa cotalta, buidir ocus daill durscartad, co fis a ndaille ocus a mbuidre.

Ma do rigne dliged nurscarṫa ocus o urfocra, slainti essaiġ ocus etarbaiġ, ocus tiaċtain o leṫ dire co trian naithgina.

Muna derna dliged urfocra na urscarṫa, is amuil indeiṫbire torba im leṫ aithgin i nessach ocus i netarbach; aithgin a torbaċ, leṫ dire la aithgin a rubu co naicsin na rob, ocus mana acaiġ, is trian isin rob, ocus aithgin isin torbaċ. Ocus is e sin in dara inad isin berla is mo isin torbaċ na isin rob; uair dlegar de urfocra do codnaċaib cin co faicea iat, ocus noca dlegar de urscartad in ruib na facaiġ, uair noco nurailenn dliged air claidida na muineda diaraid don rob na facaiġ.

Ma ro batar araen ac tescad in craind, aċt ma ro fes in ti dib ro foglaiġ, icaḋ in trian; maine fes itir, icad seised naithgina o ċeċtarde.

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[1] The 'Berla'-law that is the old law of the Feini, or as it is often called, the 'Feinechas.'

Back striking and side striking are taken into consideration in the kiln, but front *striking* only is taken into consideration in the forge.

The exemption *from liability* of *the man who fells* a tree *for injury done by it* in its fall, but so as warning is given before.

That is, the person who fells the tree is exempt from *liability for injury done by* its fall, i.e. but so as he first gave warning of it (*the felling*). It is required by law to warn sensible adults, to turn away animals and non-sensible persons, to arouse such as sleep, and to remove deaf and blind persons, if their deafness or blindness is known.

If he has observed the law of *thus* removing and warning, he is exempt *from fine* for *injury to* idlers and unprofitable workers, and, *in the case of others*, it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

If the law as to[a] warning and removing has not been observed, it is like *a case of* unnecessary profit as regards half compensation *due* for *injuring* idlers and unprofitable workers: compensation *is due* to profitable workers *if injured*, half 'dire'-fine with compensation *is due* for *injuring* animals if the animals were seen, and one-third for *injury to* the animals if he did not see them, and compensation *is the fine for injury* to profitable workers. And this is the second instance in the 'Berla'-law[1] where there is a greater *fine* for *injury to* profitable workers than for *injury to* animals; for he (*the feller*) is bound to give notice to sensible adults, though he may not have seen them, and he is not bound to remove the animal which he has not seen, for the law does not require him to search[2] ditches and brakes for the animal which he did not see.

If they (*two men*) were felling the tree together, and if it be known which of them did the injury, let him *who did the injury* pay one-third *of compensation*; should he not be known, let one-sixth of compensation be paid by each of them.

[a] Ir. *Of.*

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[2] *To search.*—For "Ꝺıaꞃaıꝺ" of the MS. Dr. O'Donovan's conjectural reading is "ꝺo ꞅıꞃeꝺ." The meaning is however the same, whichever reading be correct.

Ma ṫairnic leis in dara fer a ċuit don ċrunn do ṫescaḋ, ocus ní tairnic leis in fer aile, slan don fir leisi tairnic, ocus icad in fer leis na tairnic in trian a oenur.

Cid meinic tisat na ruib no na eccodnaiġ, isedh dlegar de a nurfocra uada caċ nuaire. Ma do ri[g]ne in cet urscartaḋ, ocus ro bai ina aititin re risi tairsed de in turscartad do denam, ocus ni derna, is inann de ocus na dernad in cet urscartaḋ, im a beṫ amuil indeiṫbire torba.

Ised dlegur urfocra in craind in cein ro sia guṫ fir in tesctha, ocus urscartaḋ in comad ro sia a barr.

Is riu gabus greim urfocra ocus urscartad, daine ro batur ar aird in uair gabala in gnimraiḋ, ocus ro fetar cuma do buain in craind da buan. Is riu ata naċ gaband greim urfoċra na urscartad, daine na ra batar ar aird in uair ga[ba]la in gnimraid, ocus noco netar comad do buain in ċraind da bun.

Bla slisen saírsi.

.1. Slan a ndénand in tslisin fri caċ codnaċ do ċi; ocus aithgin a rubu, ocus a neccodnaċu, ocus i naes cotalta, ocus in caċ aen na faicenn; ocus, laiġiḋ ail for naesaib, in focal so, .1. slan don ti benas in tslisen ar daigin tsairsi.

Acht nib tre helgnais.

.1. Act narab seol gnius no gnimaiges fuiṫib, amuil do niṫ goban saer, no ingin gobain tṡair; in duine ba hail leo damas isin tiġ don tslisin is e ro aimsitis. Uair mad ed on, noco slan.

Slainti esbaig ocus etarbaiġ do cet sceinm na slisen;

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[1] *Goban Saer.*—A celebrated carpenter who lived in the sixth century. There are many legends connected with him still current in Ireland.

If it happened to one man *of them* to finish *the cutting of* his part of the tree, and it did not happen to the other man, the man to whom it happened is exempt *in case of an accident*, and the other man who did not happen *to finish* pays the one-third *of compensation* himself.

However often the animals or non-sensible persons come, he (*the wood-cutter*) is bound to warn them away from him each time. If he turned them away the first time, yet if he were aware *of their having returned*, in sufficient time to have *again* turned them away, but did not *do so*, it is the same to him as if he had not turned *them* away at first, so that it is like *a case of* unnecessary profit.

The man felling the tree is bound by law to give warning of it (*the felling*) as far as his voice could reach, and *cause* removal *of beasts, &c.* as far as its (*the tree's*) top would extend.

Warning and removal take effect as regards persons who were present when the work was undertaken, and such as knew that the tree was to have been cut down. They regarding whom warning and removal take no effect, are persons who were not present when the work was taken *in hand*, and who did not know that the tree was to have been cut down.

The exemption *in case* of a chip in carpentry.

That is, there is exemption *from fine* for *injuries* which the chip inflicts on every sensible adult who has his sight;[a] and *there is* compensation for *injury to* animals, and non-sensible persons, and persons *who may be* asleep, and all who have not their sight; and "the old rule transcends the new knowledge" is the rule[b] in this case, i.e., the man who knocks off the chip for the purposes of carpentry is exempt *from liability*.

But so as it (*the injury*) is not *done* through malice.

That is, so as he does not guide them *in a certain direction*, as the Goban Saer,[1] or the daughter of the Goban Saer used to do; *for* they used to hit with the chip the person whom they wished to aim at in the house. For if this be the case, he (*the person doing so*) is not exempt.

There is exemption for *injury to* idlers and unprofitable workers, for the first slipping of the chip; *there is* one-third

[a] Ir. *Sees.*

[b] Ir. *Word*

trian naithgina i naes comgnimraid, in cach torbac̆, ocus in each rob, cen fis cen aicsin.

Masa aicsiu co sailec̆tu riactu co coemac̆tu imgabala, let̆ aithgin i nesbach ocus i netarbach, aithgin a torbac̆ ocus a rubu; ocus noco téit in bla fein dar aithgin ar a nemaicbeile.

Bla nuidlech nus, act bid o lias, no airbe adriastar a laeġ.

Bla nuidlech nus, .i. slan do nuidlig in airit eillgiter a nus ina sinib no na indib. Act bid o lias, no airbe adriastar a laeġ, .i. aċt, bid o lias ċall, no airbe amaich, airgetar a laeġ.

Deismirec̆t sin ar na huilib inad ina slan dfir araiğ arach do denam:—ci be inad uile i nderna fer araiğ arach, o bus ar daiğin mathusa re fer mbunaid do dena fer araiğ arach, islan do; ocus let̆ fiac̆ fo bit̆binche for boin, ocus merac̆t a nuidlec̆ais do scur in let̆e aile di.

Manab ar daigin mathusa re fer mbunaid do rigne fer araiğ a arach, fiach fo aicned̆ a fat̆a for fer araig; ocus let̆ fiac̆ fo bit̆binc̆e for boin, ocus merac̆t a nuidlec̆ais do scur in let̆e aile di.

Slan di in tesbach a laithrind ce bet̆ frit̆aiğid̆ cen co be, ocus in tesbac̆ co frit̆aigid, for ar indsaig amach; cethruime uait̆i isin esrach cen frit̆aigid, no isin torbac co frit̆aiğid̆, cid tall cid amuich; let̆ fiach uait̆e isin torbac cen frit̆aiğid̆, cid t̆all cid amuic̆. In cein bes merac̆t a nuidlec̆ais uirri sin; ocus o rac̆as di, let̆ fiac̆ uait̆i isin esrach, ocus lan fiac̆ isin torbac̆, cé beit̆ cen co be.

of compensation *for injury* to fellow-labourers, to every profitable worker, and to all animals, if not known *to be present, or* not seen.

If they were seen, and if its (*the chip's*) reaching them may have been expected and could have been avoided, *there is* half compensation for *injury to* idlers and unprofitable workers, compensation *for injury* to profitable workers and animals; and the exemption itself does not go beyond compensation on account of its non-dangerousness.

The exemption *in case* of a milch cow during her first milk, provided it be in a house, or in a pen her calf is tied.

The exemption *in case* of a milch cow during her first milk, i.e. the milch cow is exempt while her first milk remains in her teats or in her udder. Provided it be in a house, or in a pen her calf is tied, i.e. provided it be in a house within, or in a pen outside, that her calf is tied.

These are instances of all the cases in which the man who ties is exempt in his tying:—in whatever place the man who ties *the cow* performs the tying, if it be with a view to the owner's good he did the tying, he is exempt; and there is half fine upon the cow for her viciousness, and the encitement of her first milk takes the other half off her.

Should it not be with a view to the owner's good the man who ties *the cow* did the tying, a fine according to the nature of the case *is to be paid* by the tyer; and *there is* half fine upon the cow for her viciousness, and the encitement of her first milk takes the other half off her.

While in her own place she is exempt *from liability* for *injury to* the idler whether she were provoked or not, and for *injury to* the idler who provoked her, upon whom she charges out; one-fourth *fine is* upon her for *injury to* the idler who did not provoke[a] her, or for *injury to* the profitable worker who did provoke her, whether inside or outside; half fine *is* upon her for the profitable worker who did not provoke her, whether inside or outside. This *is the case* while the encitement of her first milk is upon her; and when it goes off her, there is half fine upon her for *injuring* the idler, and full fine for *injuring* the profitable worker, whether she were *provoked* or not.

[a] Ir. *Without provocation.*

Ma ro bi in buaċaill ac seilleḋ in laċta dol don laeg, cethruime ocus eneclann uaid; mara duine naċ buachaill, is fiach seilliḋ, .i. cethramthu; ocus is ann sin ata aithgin o sellach co tarraċtain fir laime.

Mas ar in uth tallaḋ in laċt, is cethramda ocus eneclann; mas ar in lestur, is diablad ocus eneclann.

Cid fodera cona mo ina gait ar in uṫ ina ar in lestur, ocus conad mo is nesum he is in lestur? Is e faṫ fodera, biṫḃinċi ocus aicbeile leis in nuġdar a gait ar in nuṫ ina ar in lestur, mo bis i coimitecht seoit cethramda he is in nuth na is in lestur.

Ma ro bi in buachaill ac seilled gaiti na bo do breith don gataiḋe, cethramtha uad ocus eneclann. Mara duine naċ buachaill, is fiaċ seilliḋ nama uad; aithgin o urraḋ ina faill imcoimeta im boin, a tri cuicid a deoraiḋ, da cuiced a murċairṫe, cuiced a daer. Aithgin o urraḋ ina faill imcoimeta im ech, teora céthramtha o deoraiḋ, leṫ ocus seċtmad o murcairṫe, leṫ o daer. Ocus don daer budein ro haithnid na seoit and sin, i necmais a tigerna, ocus damad a fiadnaise a tigerna, ro bad inand ocus ro aiṫinṫea don tigerna budein

Aithgin ó urraḋ ina faill imcometa im duine, ocus cethruime seċtmaḋ ó deoraiḋ, da seċtṁaiḋ ocus in cethramaḋ rann dec o murcairṫe, seċtmad o daer.

Bla tarb ocus reithe darmna.

If the herdsman was looking on at the drinking of the milk by the calf, one-fourth of compensation and honor-price *are to be paid* by him; if he (*the looker-on*) be a person not the herdsman, it is a fine for looking on that *is due*, i.e. one-fourth *of compensation*; and this is a case in which compensation is *required* from the looker-on until the person actually in fault[a] is found.

If it be from the udder the milk was taken, it (*the fine*) is one-fourth of *compensation* and honor-price: if out of the vessel, it is double *compensation* and honor-price.

What is the reason that there is a greater *fine* for stealing it from the udder than out of the vessel, when it is a greater necessary convenience in the vessel? The reason is, the author *of the law* deemed it more wicked and a greater crime to steal it from the udder than out of the vessel, *because* it is more valuable in the udder in connexion with an animal of quadruple restitution, than in the vessel.

If the herdsman was looking on at the stealing of the cow by the thief, one-fourth *of compensation* and honor-price *are due* from him. If the person *looking on* be not the herdsman, a fine for looking on only is *payable* by him; compensation *is due* from a native-freeman for neglecting to guard the cow, three-fifths of it *are due* from a stranger, two-fifths from a foreigner, one-fifth from a 'daer'-man. For neglecting to guard a horse, *there is due* from a native-freeman compensation, from a stranger three-fourths *of it*, from a foreigner one-half and one-seventh, from a 'daer'-man one-half. And in this case it was to the 'daer'-man himself the 'seds' had been given in charge, in his master's absence, but if it had been in his master's presence, it (*the case*) would have been the same as if they (*the 'seds'*) had been given in charge to the master himself.

For neglecting to guard a person, *there is due* from a native-freeman compensation, from a stranger four-sevenths of it, from a foreigner two-sevenths and one-fourteenth part, *and* from a 'daer'-man one-seventh.

The exemption of bulls and rams in bulling *and ramming*.

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[a] Ir. *Man of the hand.*

.1. slan do na tarbaib ocus do na reiṫib in ré suṫain bit ac dáir na maine. Slan doib in tessach a laiṫrind, ce beṫ friṫaiġiḋ cen co be, ocus in tessach co friṫaiġiḋ fora ninnsaiġ amach; cethramṫa uaithib isin nessach cen frithaiġiḋ [fora nindsaigid amaċ], no isin torbaċ co frithaigiḋ, cid tall cid amuich; leṫ fiaċ uaithib isin torbaċ cen frithaiġiḋ, gein bes meraċt in dara orro, ocus o rachus dib, is leṫ fiach isin essach, ocus lan fiach isin torbach.

Slan don tarḃ cach mil uile tiucfa ċuici do lot a dara no a ingelta ime, cenmoṫa a tarb comṫana bodein; uair mad eisein, is leṫ fiach o cáċ dib ina ċeile cen dair, ocus ma ta dair, is cethramṫa.

Slan do caċ mil co ndair ocus cen dair da nindillib bodein, ocus caċ mil co ndair dinnillib eċtarṫana, do ro dair, ocus do ro tiumurcod, aċt narab tre bitbinċe; ocus mad ed on, is leṫ fiaċ fo biṫbinċe air, ocus scuirid meraċt a dara leṫ de.

Mara comindsaig do tarb eċtrann, is lan fiaċ o caċ dib ina ċeile, cen dair; ocus ma ta dair, is leṫ fiaċ, ocus in dáir ro baí aici aca ṫig isi scuires leṫ de.

Mara leṫindsaiġiḋ, slan in mil do rine in leṫindsaigid do marbaḋ, ocus mas e do marb neċ, is lan fiaċ; cen dair sin; ocus ma ta dair, is leṫ fiach, ocus in dair ro bai aici aca tiġ isi scuires leṫ de.

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[1] *The bull.*—For "tarb" the MS. here has "torḃ," which is the usual mode of writing the word lengthened out as "torbaċ," profitable. The word in the text is however required by the context, and was accordingly substituted by Dr. O'Donovan in his revised transcript.

That is, the bulls and rams are exempt during the proper season wherein they bull the cattle. They are exempt for *injury to* the idler, while in their own proper place, whether they were provoked or not, and *to* the idler who provoked them, whom they charge out upon; there is one-fourth *fine due* by them for *injuring* the idler who did not provoke them, upon whom they charge out, or for *injuring* the profitable worker who did provoke them, whether within or without; half fine *is* upon them for *injuring* the profitable worker who did not provoke them, while the excitement of the bulling is upon them, and when it has gone off them, there is half fine for *injuring* the idler, and full fine for *injuring* the profitable worker.

The bull[1] is exempt for *injuring* any other animal that may come to interrupt his bulling or his grazing, except a bull of his own herd; for if it is he, there is one-half fine upon each of them for the other if it be not the bulling season,[a] and if it be the bulling season, it (*the fine*) is one-fourth.

He (*the bull*) is exempt for *injuring* any other animal of his own herd, whether it be the bulling season[a] or not, and every animal of another herd in the bulling[a] season, which he has bulled, and which was brought *to him*, provided only it was not through wickedness *he did the injury;* but if it were, there is half fine for wickedness upon him, and the excitement of his bulling takes *the other* half off him.

Should there be a mutual attack by strange bulls, there is full fine from each of them (*the bulls*) for the other, if it be not the bulling season;[a] but if it be the bulling season, there is *only* half fine, and the bulling which he had with his herd[b] takes *the other* half *fine* off him (*each of them*).

Should one bull make an attack[c] on another, there is exemption for killing the animal that made the attack, but should he kill *the other*, there is full fine *for it;* that *is*, if it be not the bulling season;[a] but if it be the bulling season, there is *but* half fine, and the bulling which he had with his herd[d] takes *the other* half off him.

[a] Ir. *Without bulling.*

[b] Ir. *At home.*

[c] Ir. *Should there be a half attack.*

[d] Ir. *At home.*

Mara comindraig da míl commaiṫi cetcintach, cen dair, dibruiter caċ cethruime ina cet cinaiḋ; mart la caċ bronnar. Cen dair sin; ocus ma ta dair, cobfodlat marta, cobfodlait coniṫi, ocus roind ar do (in bi ocus in mairb aturru).

Mara comindraiġiḋ mil bic ocus mil moir, aċt mas e in mil bec ro marbaḋ and, aithgin mil bic dic dfir in mil moir, ocus mart in mil bic dfir in mil moir. Cen dair sin; ocus ma ta dair, leṫ aithgin mil bic dfir in ṁil moir dic, leṫ mairt in mil bic dic dfir in mil moir.

Mas e in mil mor ro marbaḋ ann budein, beo in mil bic dfir in mil moir; ocus in tainmraindi gabus beo in mil bic a mbeo in mil moir corab e in tainmraindi sin do mart in mil moir deċ dḟir in mil bic. Cen dair sin; ocus ma ta dair, leṫ bi in mil bic dfir in mil moir; ocus in tainmraindi gabas leṫ bi in mil bic i leṫ bi in mil moir, corab e in tainmrainde sin do leṫ mairt in mil moir deċ dfir in mil bic.

A bail ata ceiṫri uingi i nimain tairb dichmairc ocus a ṫairec follaiḋ, foṫa na nuasal sin; ocus noca tuc in riṫ ar aird, ocus da tucaḋ, is ar [cuic] la do na uaislib itir foṫa ocus riṫ, [ocus] ar tri la do na hislib, itir foṫa ocus riṫ; ceiṫri ba in cet la do na uaislib, a fotha, ocus bo caċ lae do no ceiṫri la aile a riṫ; da ba in cet la do na gradaib

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[1] *The living and the dead.*—The words in parentheses in the Irish appear to be an addition by a later hand.

[2] *Five days.*—The MS. E. 3, 5, reads here "ceithri, four." O'D. 762, however, has the reading in the text.

If it be a mutual attack of two animals of equal goodness, not in the bulling season,[a] *and it is their* first trespass, one-fourth *fine* is taken off each for its *being his* first trespass; the carcass, *if either be killed, goes* to him whose beast[b] has killed *the other.* This *is the case* if it be not the bulling season;[a] but if it be the bulling season,[c] they (*the owners*) divide the carcass equally between them, they divide the loss, and they divide equally between them the living and the dead[1] *animal.*

Should it be a mutual attack of a small and a large animal, and the small animal is killed, the owner of the large animal pays the value of the small animal, and the carcass of the small animal *goes* to the owner of the large animal. This *is the case* if it be not the bulling season;[a] but if it be the bulling season,[c] the owner of the large animal pays half compensation for the small animal, *and* half the carcass of the small animal goes to the owner of the large animal.

Should it be the large animal itself that was killed, the small animal, *or one* like[d] it, *shall be given* to the owner of the large animal; and the proportion which the living small animal bore to the large animal living is the proportion of the carcass of the large animal that shall go to the owner of the small animal. This *is the case* if it be not the bulling season;[a] but if it be the bulling season,[c] half *the value* of the small animal living *shall be given* to the owner of the large animal; and the proportion which half the value of the small animal living bears to half the value of the large animal living, is the proportion of half the carcass of the large animal that shall go to the owner of the small animal.

Where *it is said* there is *a fine of* four ounces and his restoration with interest, for driving a bull without permission, this is *in the case of* the property of the nobles; and he (*the author of the law*) did not mention the interest, and if he had, it would be at the rate of five days[2] to the nobles, both property and interest, and at the rate of three days to the lower grades, both property and interest; four cows the first day to the nobles for property, and a cow each day of the other four days for interest; two cows the first day to those of the chieftain grade for property, *and* a cow

[a] Ir. *Without bulling.*

[b] Ir. *Who.*

[c] Ir. *If there be bulling.*

[d] Ir. *Living.*

flaṫa a fotha, ba caċ lae don da laeib aile a riṫ; bo in cet la do na gradaib feine a fotha, ocus saṁaisc caċ lae don da laeib aile a rith.

O urraḋ ata sin; ocus a leṫ o deoraiḋ, ocus a cethruime o murċairṫe, ocus aithgin gnimraiḋ o daer. Ocus inand re iarsa reiṫenn doib uile, itir urraḋ ocus deoraiḋ ocus murcuirṫe ocus daer, co deċmad; ocus fuilleḋ ris o dechmaiḋ amaċ, co roib fiaċ gaiti ann. Ocus a cain ata sin, ocus ni uil rith i nurradus.

Slan aen leim i nathaib ocus a muigib can timorguin; ocus ma ta timorguin, is fiach foimrime, caċ cethruime laeg bes aiṫremail; cethruime ar seised sin, no cethruime uirre fein. Ocus caċ uair is cethruime do reir dliġiḋ, cethruime ar seised hi andsaide .i. leṫ trin bunaid andsaiḋi aici; caċ uaire is cethruime uirre bodein, cethruime ar aċtugad hi andside, leṫ trin bunaid, ocus cethruime trin tire.

Ma ro aċtaig biṫ fo cintaib a ṫairb, ocus caċ cethruime laeġ bes aithremail, is a biṫ do; munar aċtaiġeḋ, is a nembeiṫ. Munar aċtaiġ in dara de, ocus ro aċtaiġ araile, caċ ní ro aċtaiġ is a biṫ do, ocus in ni nar aċtaiġ is a nembeith.

Bla faebur coinling.

.i. in fer etrana coitcind tainic [sis], mas e fer na fine ata ar aird ro foġail ris, is lan fiach; ocus mas e fer na fine na fuil ar aird, is leṫ fiach; má ro fes, is teora cethruime uaiṫi, .i. leṫ fiach o fir na fine ata ar aird and, ocus cethruime [o fir na fine ná fuil ar aird] 7rl. .i. slan do na feraib bis a coimimfulang a feirgi

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[1] *If it be not known.*—For "ma ro" of the MS., meaning, "if it be," Dr. O'Donovan conjectured "man ro, if it be not," and translated accordingly, as the sense requires.

[2] *Between them.*—For "uaiṫi" of the MS., Dr. O'Donovan conjectured uaṫa, and for "ocus" ".i." as in the text.

[3] *From the man whose tribe is not present.*—The Irish for this was put in by Dr

each day of the other two days for interest; a cow the first day to *those of* the "feini" grades for property, and a 'samhaisc'-heifer each day of the other two days for interest.

This is *the fine* from a native-freeman; and from a stranger *there is* half of it, and from a foreigner the fourth of it, and from a 'daer'-person the restitution of the thing itself. And the time during which the interest runs is the same for them all—native-freeman, stranger, foreigner, and 'daer'-person, *i.e.*, to ten days; and from ten days out, it (*the interest*) shall be added to until it amounts to the fine for theft. And this is in 'cain'-law, but in 'urradhus'-law there is no interest.

In fords and in plains one leap is free *to the owner of the cow,* provided she (*the cow*) has not been brought[a] *there;* but if she has been brought, there is a fine *for it according to the law* of over-working, *i.e. the owner of the bull gets* every fourth calf that is sire-like; that is, a fourth in place of a sixth, or a fourth for itself. And whenever it is one-fourth according to law, it is then one-fourth in place of a sixth, i.e., he shall then have one half-third of the original; whenever it is one-fourth for itself, it is then one-fourth by stipulation, one half-third for the original *owner of the bull,* and the one-fourth of one-third for the *owner of the* land.

[a] Ir. *Without bringing.*

If he (*the owner*) agreed to be accountable for the trespasses of his bull, and *to take* every fourth calf that shall be sire-like, he shall have them; if he did not agree *to this,* he shall not have them. If he did not agree to the one, but agreed to the other, he shall have everything he agreed to, and he shall not have what he did not agree to.

The exemption as to an edged weapon in a conflict.

That is, if it be a man whose tribe is present that injured an impartial person who interfered between them,[b] there is full fine *for it;* and if a man whose tribe is not present *injures him,* there is half fine *for it;* if it be not known[1] *which of them did the injury,* they pay three-fourths *fine* between them,[2] i.e., half fine from the man whose tribe is present, and one-fourth *fine* from the man whose tribe is not present.[3] That is, the men who are sustaining their lawful[c] anger are

[b] Ir. *Went down.*

[c] Ir. *Necessary.*

O'Donovan, but whence taken, cannot be ascertained. It was probably a conjecture to supply the defect in the MS.

deiṫbiri ce fuachtnaiġiḋ iarann faebrach caich dib re ċeile ; aċt arberat araile congniat fri fer netargaire, ma ro ria ní uadaib.

A ċompac coitċenn comarleicṫe a haititen a da tuaiṫ no da cenel, slan do caċ dib a ċeile do marbad a re dligtig; no i re indligtig, co fis a dligid no indligid accu mar aen ; no co fis a nindligid ac nemcintaċ, ce be cen co be a cintach.

Mara fis ac cintach, ocus anfis ac nemcintach, aċt mas e in cintach ro marbad and, isslan ; mas e inemcintach do marbad and, is lan fiach.

Ma ta tuath in dara fir ar aird ocus ni uil tuaṫ in fir aile, slan fer na tuaiṫe uil ar aird do marbad, ocus mas e ro marb nech, is fiach bais ecoir.

In fer leṫ etrana do ċuaid sis, cid he budein cid he in fer ruis i ndeċaid taib ro fogail ruis [in fer] amach tre fuiririd a leṫ etrana, lan fiaċ uad isin fer amach, ocus slan don fir amuic eisium ; ocus lan fiach uad isin fer risin ndechaid taib, ocus leṫ fiach on fir ruis i ndechaid taiḃ indsium ; cen caemaċtu a tessaicṫe, ocus má ta caemaċtu tessaicṫe, is lan fiach.

In fer edrana coitcinde do ċuaid sis slan do caċ fogail do gena riu aca netarscarad, mana caemnacair ċena, ocus ma caemnacair, is fiaċ fo aicneḋ a faṫa air.

Ma rob indiles do caċ dib a ċeile, is lan fiach o ceċtar de ind, cid be ro uachtnaiġ sis. Ma roba diles do caċ dib a ċeile, is leṫ fiaċ o ceċtar de indsium, cid be dib

exempt though the sharp iron of each of them injure the other; but some say that they shall make *reparation* to a person who interferes between them, if anything (*injury*) is done by them.

In a general deliberate contest *fought* with the recognition of their two territories or two tribes, each *combatant* is exempt in killing the other within the legal time; or beyond the legal time, both being aware of its legality or of its illegality; or provided the innocent person be aware of its illegality, whether the guilty person be or be not *aware of it.*

If the guilty person be aware of it, and the innocent person be not aware of it, and if it be the guilty person that was killed in the case, there is exemption *for the killing*; if it be the innocent person that has been killed, there is full fine *for it.*

If the tribe of one man be present and the tribe of the other be not, there is exemption for killing the man whose tribe is present, but if it be he who has killed a person, there is a fine for unjust killing *imposed.*

If a man prejudiced in favour[a] of one of the combatants interfered between them, whether it be himself or the man in whose behalf he interfered that, owing to his interference, injured the other man, he (*the man who so interfered*) pays full fine for the other man,[b] and the other[b] man is exempt with respect to him; and he pays full fine on account of the man in whose behalf he interfered, and the man in whose behalf he interfered pays him half fine; *this is* when there is no power of saving him (*the injured man*), but if there is power of saving, it (*the penalty*) is full fine.

The impartial person who interferes between them is exempt on account of any injuries he may inflict on them in separating them, provided he could not help it (*doing the injury*), but if he could help it, he shall be fined according to the nature of the case.

If they were both engaged in an unlawful[c] combat, they each pay full fine for it, (*injuring the impartial person who interfered between them*), whichever of them injured him. If the combat were a lawful one on both sides, they each pay half fine for *injuring* him (*the impartial person who inter-*

[a] Ir. *Of half interference.*

[b] Ir. *The man outside.*

[c] Ir. *If each of them was unlawful to the other.*

ḟuachtnaiġes ris, ocus ro fes in ti airiṫi ro ḟuachtnaiġ ris annsin.

Muna fes inti airiṫe ro fuaċtnaiġ ris, marub indiles do caċ dib a ċeile, leṫ fiaċ o ceċtar de co roib lan fiach and. Ma roba diles do caċ dib a ċeile, cethruime o ceċtar de co roib leṫ fiach and.

Ma roba dilsech don dara de ocus rob indilsech daraile, cethruimṫi on ti dar bo dilsech, ocus leṫ fiach on ti dar bo indilsech, cona teora cethruimṫi isin fer netrana coitcindi.

Is ann islan do caċ dib a ċeile in inbaid ata coemaċtu tobaig dligtig tre toiched aile ac feichemuin toicheda, ocus ata coemaċtu imgabala ac bidbuid.

Ma ta caemaċtu tobaig dligtig tre toiched aile ac feicheṁuin toicheda, ocus ni uil caemaċtu imgabala ac bidbuid, amuil nech segar dia guin no dia marbaḋ can cinta no co cinta, in bidbuiḋ.

Mana uil coemaċtu tobaig dligtig tre toiched aile ac feichemuin toicheda, ocus ata coemachtu imgabala ac bidbuid, ocus mas e in bidbuid ro marbad ann, islan; mas e ro marb nech, is lan fiach.

Bla dunad, dal; assenar cip dond do berar la rig no rechtaire rig, ar abi tuath. Is tualaing a lesaigṫi ar in neċ do beir no cren.

Bla dunad .i. is si dal islan do denum isin dunad fri hiaċ. Dal .i. in dal im a comtinoilter ann. Assenar cip dond .i. is uair eirniter as amaċ cid gat berair ind anunn for mac nascaire ocus raith trebuire re aisec, aċt co ria da ṫig la rig no rechtaire rig. Ar abi tuath .i. is ferr ir bis ar in tuaith. Is tualaing a lesaigṫi ar in neċ do beir no cren .i. ar in neċ do beir lais in gat aici, no do cren, do ċennaiġ ann, in fer medon gaiti lan indligtec, co fis gaiti ocus gataide.

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[1] *And the defendant has power of avoiding.*—The meaning of this and the following paragraph seems to be this: The case in which one or other of them is free from (*the consequences of*) the acts done by the other is when the complainant (*the injured person*) might have brought a good (*i.e. not demurrable*) suit in another form and the party defendant would have a good defence to it. If the party injured could bring a good suit against the party who did the injury, the latter would have no defence to it. He would be in the position of "one who is pursued, &c.," i.e. he may be proceeded against in either form of action.

fered), whichever of them injured him, and in this case the particular person who injured him is known.

If the particular person who injured him is not known, *and* if the combat was illegal on both sides,[a] each of them pays half fine, so that he (*the injured person*) has full fine in the case. If the combat was legal on both sides,[b] each of them pays one-fourth fine, so that he (*the injured person*) has half fine in the case.

[a] Ir. *If each of them was illegal to the other.*

[b] Ir. *If each of them was legal to the other.*

If it (*the combat*) was legal on the one side and illegal on the other, he on whose part it was legal pays one-fourth *fine*, and he on whose part it was illegal pays one-half fine, so that the impartial person who interfered has three-fourths *fine*.

The case in which each of them is free from *the consequences of the acts done by* the other is when the plaintiff has power of lawful suit by another mode, and the defendant has power of avoiding.[1]

If the plaintiff has power of lawful sueing through another mode, and the defendant has not power of avoiding, the defendant is like one who is "pursued to be wounded or to be killed without crime or with crime."[2]

If the plaintiff has not power of lawful sueing by another mode, and the defendant has power of avoiding, and if it be the defendant who was killed, there is exemption *for the killing*; should he (*the defendant*) kill a person, there is full fine *for it*.

The exemption *in the case* of a court, *and of* an assembly; whatever stolen thing is brought is paid for by the king or the king's steward, the best in the territory. He can visit with correction the person who brought it in or bought it.

The exemption of a court, i.e., the assembly in the court for a territory is exempt. An assembly, i.e., that which is assembled there for that purpose. Whatever stolen thing, &c., is paid for, i.e., whatever stolen thing is brought into it, shall be nobly paid for by the king, or the king's steward, upon a binding-man and the guarantee of a surety for its restoration, as soon as he shall have returned home. Best in the territory, i.e., the best who is in the territory. He[3] can visit with correction the person who brought it in or bought it, i.e., on the man who brought it with him in theft, or who purchased or bought it, *i.e.*, the guilty receiver of the stolen article,[a] who knew the theft and the thief.

[a] Ir. *The full unlawful middle thief man.*

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[2] This is a reference to some ancient law maxim.

[3] *He*, i.e., the binding-man.

Acht ċoland fri raċugad techta nama.

.1. ac̃t in colann sin ar na ro fechain do reir dligid nama, ac̃t co ria da t̃ig̃, cac̃ uair is cetfaid turba don eisindraic.

Caiti deit̃bir etturru sin ocus in bail ata nac̃ nindli cinaid ceimreilgi remod? Ac urrad̃ ro aidbred in set ann sin, isin tsloiged, no isin dunad, ocus saeraid̃ a turbaid dunaid no tsloig̃id he cen ní itir uad, no co ria da t̃ec̃. Sunn imurro ac an urrad ro aidb[r]ed̃ in set and isin tsloiged, ocus a turbaid dunaid no tsloig̃id da saerad cen ni itir uad, ac̃t trebuire re aisec dligtec ac̃t co ria da t̃ig̃.

C. 947. Bla muċ oirċel [no cro].

.1. slan don muic in tesbach do cul eigme, ocus do t̃aib eig̃me, ocus etturru ocus eigem, ocus esbac̃ in teigem bodein, o bas eigem gluaisfes ar na huile esbac̃uib uile; ocus let̃ fiac̃ uait̃i isin torbac̃ in céin bes merac̃t a eigme uirre, ocus o rachas dib, let̃ fiac̃ uait̃i isin nesbac̃, ocus lan fiac̃ isin torbac̃.

Slan di in tesbac̃ indsaig̃es uirre co a clais, no co cro, no co omar, ce bet̃ frit̃aigid cen co be; ocus in tesbac̃ co frit̃aigid ar ar indsaig̃ imach. Let̃ fiach uait̃i isin esbac̃ cen frit̃aig̃id, no isin torbac̃ co frit̃aig̃id̃, cid imaig̃ cid tall. Lan fiac̃ uait̃e isin torbac̃ cen frit̃aig̃id̃; ocus no-

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[1] *Here however.*—The MS. is defective at this place. The article seems unconnected with what has gone before, or comes after, and no other copy than the fragment in E. 3, 5, has been found.

But the principal only for lawful valuation.

That is, but *the thief repays* the principal only, with lawful valuation, when he returns home, whenever there is an understanding that *this as* a privilege *has been granted* to the unworthy person.

What is the difference between this *case* and *that* wherein it is said "every animal which is handed over for a crime, *pending a law-suit?*" *&c.* The 'sed' was claimed from a native-freeman in that case, during the hosting, or the 'dun'-fort building, and his privilege in respect of hosting or 'dun'-fort building frees him, without anything whatever *being due* of him, until he arrives at his house. Here, however,[1] it is from a native-freeman the 'sed' is claimed during the hosting, and his privilege of 'dun'-fort building or hosting frees him from anything at all *being due* of him, but *he must give* a surety for lawful restoration in case he arrives at his house.

The exemption of pigs at the trough or in the stye.

That is, *should a person shout,* the pig is exempt as regards *injury to* the idler who is behind the person who shouted,[a] and beside the person who shouted[a] and between the person who shouted[a] and her (*the pig*), in case the person who shouted[a] is himself an idler, since it is *his* shouting that incites her against all the other idlers; and there is half fine upon her *owner* for *injuring* the profitable worker, whilst the excitement caused by the shout is upon her, and when it has gone off her, there is half fine from her *owner* for *injuring* the idler, and full fine for *injuring* the profitable worker.

She (*the pig*) is exempt *as regards injury to* the idler who goes to her, to her trench or her stye, or her trough, whether there be provocation or not; and *as to* the idler who provoked her and upon whom she charged out. *There is* half fine from her *owner* for *injury to* the idler who did not provoke her, or *to* the profitable worker who did provoke her, whether outside or inside. There is full fine from her *owner* for *injury to* the profitable worker who did not provoke her; and there is no

[a] Ir. *The shouting.*

con fagabar cethruimt̃e ar muic ar a piastamlac̃t, uair piastamla cu ina muc, ocus piastamla muc ina bo; uair ni tormaigenn ar coin cuilen do breit̃, ocus ni discuires do boin laeg̃ do breit̃, ocus noco tormaigenn ni ar muic oirc do breit̃, ocus noc̃a scuirenn di.

Masa muca cet cintac̃a urraid̃ iat, let̃ othrus co bas
uait̃ib, no let̃ aithgin iar mbas. Masa muca bit̃binec̃a
C. 948. [urraid], let̃ dire ocus othrus [comlan] co bas, ocus let̃
dire re taeb aithgina iar mbas; ocus scoirid merac̃t an
eigme let̃ dib. Ocus cemad ail urrandus dot̃rus no daithgin
do dul re lar ann ar fer neigmi, noca rag̃a, uair
nocon fuil aithgin dic do sellac̃ co tarrac̃tain aithgina
C. 948. dfir laime. [In uair] icfas fer eigme rann do dire noco
C. 948. nicann rann dot̃rus, na daithgin; [ocus in tan icas rand
dothrus no daithgin nocho nicand rand do dire. In
rand othrusa no aithgina icas], rann deiside do dul
re lar ar scat̃ aithgina .i. re sec̃tmaid airrium im
duine, no no ceitri cuicid im boin, no let̃ im ech, uair
noca ne is fear laim̃e.

C. 948. [In cutruma] nech scuires eig̃em dfir eigme, nocon ar
C. 948. muic tet [ac̃t, a dul re lar]; nec̃ scuires eigem do muic
nocon ar fear eigme teit, ac̃t a dul re lár; ocus nocon
ait̃fegtar cuibdes eturru, ac̃t a lan dic ar a aig̃id̃ fein.

A eigem comraiti in codnaig lan diri na cneidi co bas

fourth got for a pig on account of her beastliness, for the hound is more beastly than the pig, and the pig is more beastly than the cow; for it does not add to *the value of* a hound to have had pups, and it does not take from *the value of* a cow to have had a calf, and it does not add to *the value of* a pig to have had young pigs, and it does not take from her *value*.

If the pigs *who have done any injury* belong to a native-freeman, and it is their first offence, full half sick-maintenance until death *is due* of them *to the injured person*, or half compensation after death *is the fine*. If they are vicious pigs belonging to a native-freeman, *there is* half 'dire'-fine and sick maintenance until death *to be paid*, and half 'dire'-fine with compensation, after death; and the excitement of the shouting takes half *the fine* off them. And though it should be desired that a part of the sick-maintenance or of the compensation should be remitted in favour of the man who shouted, it shall not be so, for there is no compensation to be paid by the looker-on until compensation has been received from the actually guilty person.[a] *And* when the man who shouted pays a part of the 'dire'-fine he does not pay any part of sick-maintenance, or of compensation; and when he pays a part of sick-maintenance or compensation he pays no part of 'dire'-fine. *Of* the portion of sick-maintenance or of compensation which he does pay, a part is remitted in lieu of compensation, viz., six-sevenths[1] with respect to a person, or four-fifths with respect to a cow, or one-half with respect to a horse, for he is not the actually guilty person.[a]

[a] Ir. *Man of the hand.*

The proportion of the fine for shouting which is taken off the man who shouted, does not fall[b] upon the pig, but is remitted; the proportion which shouting takes off the pig does not fall[b] upon the man who shouted, but is remitted; and there is no participation considered between them, but the full *fine* is to be paid *by each* on his own account.

[b] Ir. *Go.*

For *the injuries from* the malicious shouting of a sensible adult there shall be paid the full 'dire'-fine of the wound

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[1] *Six-sevenths.*—In C. 948, the portion remitted in such case is said to be, one-seventh with respect to a person, one-fifth with respect to a cow, and one-half with respect to a horse.

dic, cid i torbaċ cid i nesbaċ cid i rob, lan coirpdire iar mbass is na dainib, ocus lan dire is na robaib.

Eigem essa in codnaiġ, leṫ dire na cneidi co bas dic ann i torbaċ ocus i rob, se seċtmaid othrussa i nessaċ, leṫ coirpdire iar mbas is na dáinib, leṫ dire is na robaib.

Eiġem indeiṫbiri torba in codnaiġ, se seċtmaid oṫrusa co bas i torba, ocus se seċtmaid aithgina iar mbas; se seċtmaid oṫrusa co bas i nesbaċ, ocus tri seċtmaid aithgina iar mbas; ceiṫri cuiced othrusa co bas i mboin, ceiṫri cuicid aithgina iar mbas; leṫ oṫrus co bas i neċ, leṫ aithgin iar mbas.

Eigem comraiti mic i naes ica leṫ dire, leṫ dire na cneiḋi co bass dic ann, cid a torbaċ, cid i nessaċ, cid a rob; leṫ coirpdiri iar mbas is na dainib, leṫ is na robaib.

Eigem esba mic i naes ica leṫ dire, cethruime na cneidi co bas i rob ocus i torbaċ, tri seċtmaid oṫrusa co bas i nesbaċ, cethruime coirpdire iar mbas is na dáinib, cethruime dire is na ropaib.

Eigeṁ indeiṫbire torba mic i naes ica leṫ dire, tri sectmaid othrusa co bas i torbaċ, tri seċtmaid aithgina iar mbas; seċtmad ocus in cethruma rann dec oṫrusa co bas i nesbaċ, seċtmaḋ ocus in cethruma rann dec aithgina iar mbas; da cuiced othrusa co bas i mboin,

until death, whether profitable workers, idlers, or animals *be injured*, and full body-price after death for *injuring* persons, and full 'dire'-fine for *injuring* animals.

For the injuries from the playful shouting of a sensible adult, there shall be paid, half 'dire'-fine of the wound until death in *the case of* profitable workers and animals, six-sevenths of sick-maintenance until death for idlers, half body-price after death for persons, *and* half 'dire'-fine for animals.

For the injuries from the shouting for unnecessary profit by a sensible adult, *there shall be paid* six-sevenths of sick-maintenance until death in *the case of* profitable workers, and six-sevenths of compensation after death; six-sevenths of sick-maintenance until death for idlers, and three-sevenths of compensation after death: four-fifths of sick-maintenance until death for a cow, *and* four-fifths of compensation after death; half sick-maintenance until death for a horse, *and* half compensation after death.

For the injuries from the malicious shouting of a youth at the age of paying half 'dire'-fine, there shall be paid half 'dire'-fine for the wound until death, in *the case of* profitable workers, idlers, or animals; half body-fine after death in *the case of* persons, and half in *the case of* animals.

For the injuries from the playful shouting of a youth at the age of paying half 'dire'-fine, *there shall be paid* one-fourth of *the fine for* the wound until death in *the case of* animals and profitable workers, three-sevenths of sick-maintenance until death in *the case of* idlers, one-fourth body-fine after death in *the case of* persons, and one-fourth of 'dire'-fine in *the case of* animals.

For the injuries from the shouting for unnecessary profit, of a youth at the age of paying half 'dire'-fine, *there shall be paid* three-sevenths of sick-maintenance until death in *the case of* profitable workers, *and* three-sevenths of compensation after death; a seventh and a fourteenth of sick-maintenance until death, for idlers, and a seventh and a fourteenth of compensation after death; two-fifths of sick-maintenance until death for a cow, *and* two-fifths of com-

da cuiced aithgina iar mbas; cethruime othrusa co bas i nech, ceihruime aithgina iar mbas.

Eig̃gem compraiti mic in naes ica aithgina, [is] cutrumus sec̃tmaid in lan dire othrusa co bas i torbac̃ ocus i nesbac̃, se sectmaid iar mbas; no cumad̃ se rec̃tmaid othrusa co bas, ocus in sec̃tmaid aithgina iar mbas; cutrumus cuicid in lan dire dothrus co bas i mboin, ocus ceithre cuicead aithgina iar mbas; no comad cethruime cuiced aithgina iar mbas, ceithri cuiced̃ othrusa co bas; cutruma lec̃e in lan dire dothrus co bas i nech, ocus lec̃ aithgin iar mbas; no comad lec̃ othrus co bas, ocus lec̃ aithgin iar mbas.

Eigem esba mic i naes ica aithgina [is] cutrumus sec̃tmaid in lec̃ dire dothrus co bas, cethruime i torbach, sechtmad na se sec̃tmad i nespach, tri sec̃tmaid aithgina iar mbas i cec̃tar de, cid i torbac̃, cid i nesbach; no, comad tri sec̃tmaid othrusa co bas i torbac̃, ocus tri sec̃tmaid aithgina iar mbas; cutrumus seisid in lec̃ dire dothrus co bas i mboin, ocus da cuiced aithgina iar mbas; no, comad a cuiced othrusa co bass, ocus da cuiced

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[1] *After death.*—The following is found written in apparently a different hand at the lower margin of the MS. E. 3, 5, p. 32. It seems a mere fragment, and not connected in particular with this part of the work. For "7ḡ." of the MS., usually the contraction of "etge," Dr. O'Donovan conjectured "eigṁe," and translated accordingly.

[Ca foġail eigṁe ris na fuil deitbir torbuiġ na espaig co bás ná iar mbas? .i. acṫ is cutrumaḋ ind co bas ocus iar mbas an compraite.

Ca foġail eigṁe ris a ta deitbir torbaiġ ocus esbaiġ co bas ocus na fuil iar mbas? .i. in tespać, oir is cutrumaḋ isin torbać, ocus isin esbać iar mbas.

Ca fogail eigṁe ris ata deiṫbir torbaiġ ocus esbaiġ co bas, ocus iar mbas? .i. indeitbir torba side.]

pensation after death; one-fourth of sick-maintenance until death for a horse, *and* one-fourth of compensation after death.[1]

For the injuries from the malicious shouting of a youth at the age of paying compensation, *there shall be paid* a proportion equal to a seventh of the full 'dire'-fine of sick-maintenance until death in *the case of* profitable workers and idlers, *and* six-sevenths *of compensation* after death; or, *according to others*, it may be six-sevenths of sick-maintenance until death, and a seventh of compensation after death; a proportion equal to a fifth of the full 'dire'-fine of sick-maintenance until death for a cow, and four-fifths of compensation after death; or, *according to others*, it may be one-fourth of one-fifth of compensation after death, *and* four-fifths of sick-maintenance until death; a proportion equal to one-half the full 'dire'-fine of sick-maintenance until death for a horse, and half compensation after death; or, *according to others*, it may be half sick-maintenance until death, and half compensation after death.

For the injuries from the playful shouting of a youth at the age of paying compensation *there shall be paid* a proportion equal to one-seventh of the half 'dire'-fine of sick-maintenance until death, one-fourth in *the case of* profitable workers, one-seventh of six-sevenths for idlers, *and* three-sevenths of compensation after death in *the case of* either profitable workers or idlers; or, it may be, *according to others*, three-sevenths of sick-maintenance until death in *the case of* profitable workers, and three-sevenths of compensation after death; a proportion equal to one-sixth of the half 'dire'-fine for sick-maintenence until death in *the case of* a cow, and two-fifths of compensation after death; or, *according to others*, it may be one-fifth of sick-main-

What trespass arising from shouting is it in which there is no difference of profitable workers, or idlers, till death or after death? That is, the malicious *shouting* for which there is equal fine till death and after death.

What trespass arising from shouting is it in which there is a difference of profitable workers and idlers, till death, and not after death? That is, the playful *shouting*, for there is equal *fine* for injury to the profitable workers and the idlers, after death.

What trespass arising from shouting is it in which there is a difference of profitable workers and idlers till death, and after death? That is, the case of apparent advantage?[a]

[a] Ir. *unnecessary profit.*

aithgina iar mbar; cutruma leiṫi in leṫ diri dothrus co bar im ech, ocus cethruma aithgina iar mbar; no, comad cethruma oċrura co bar, ocus cethruime aithgina iar mbar.

A eigem indeithbiri torba mic i naes ica aithgina seċtmaḋ na se seċtmaḋ otrura co bar i torbach, seċtmad na se seċtmaḋ aithgina iar mbar; seċtmad na tri seċtmad othrura co bar i nesbaċ, seċtmaḋ na tri seċtmad aithgina iar mbar; cuiced na ceithri cuiced dothrus co bar i mboin, cuiceḋ na ceiṫri cuiced aiṫgina iar mbar; cethruime othrura co bar im ech, ocus cethruime [aithgina] iar mbar; no comaḋ oċtmad othrura co bar ocus oċtmad aithgina iar mbar.

C. 952. [Ised is eigem esba and, a denam ar daigin cluiche, ocus ni a let fir na mucaib is cluiche; ocus da maḋ eḋ, ro bo esba cola cluiche, ocus ro bo lan fiach.] Ised is eigem comraiti and, a denum ar daigin fogla.

C. 952 Ised is eigem deitbiri torba ann, eigem do ċur indile a feraib no a gortaib [arba], ocus ni caemnacair ni ba dliġtheċa; no is eigim re creiċ.

C. 952. Ised is eigem indeitbire torba ann, [a denam] i cor indili a feraib no a gortaib, [ocus] conicfad a denum ni ba dligthecha.

Bla nae imram no combadud.

.i. slan don ti beirus in nae don imram budein, no com baduḋ maroen ria neċ aile. Mas re bec deiṫbiriur no re essa sis hi, is fiaċ fiancluiċe in caċ fogail do gentar aca breiṫ sis, ocus ac a tabairt innis.

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[1] *In a more lawful manner.* This and the two preceeding paragraphs are given somewhat differently in C. 952, but the sense is substantially the same.

[2] *Little necessity.*—For "bes" of the MS. Dr. O'Donovan conjectured "bec" as a better reading.

tenance until death, and two-fifths of compensation after death; a proportion equal to one-half of 'dire'-fine of sick-maintenance until death for a horse, and a fourth of compensation after death; or, *according to others*, it may be one-fourth of sick-maintenance until death, and one-fourth of compensation after death.

For injuries from the shouting for unnecessary profit of a youth at the age of paying compensation *there is paid* a seventh of six-sevenths of sick-maintenance until death, in *the case of* profitable workers, a seventh of six-sevenths of compensation after death; a seventh of the three-sevenths of sick maintenance until death in *the case of* idlers, a seventh of the three-sevenths of compensation after death; a fifth of four-fifths of sick-maintenance until death for a cow, *and* a fifth of four-fifths of compensation after death; a fourth of sick-maintenance until death for a horse, and a fourth of compensation after death; or, it may be an eighth of sick-maintenance until death, and an eighth of compensation after death.

"Idle shouting" means the doing of it for the purpose of sport, and it is not sport with respect to the pigs; and if it were, it should be *considered as* idleness of foul play, and there would be full fine *for it.* "Malicious shouting" means doing of it (*the shouting*) with a view to injury.

"Shouting for necessary profit" means shouting for the purpose of driving cattle out of *fields of* grass, or of corn fields, when they could not *have been driven thence* in a more lawful manner; or, *according to others,* it means shouting before a plundering party.[a]

"Shouting for unnecessary profit" means the doing of it (*the shouting*) *in order* to drive cattle out of *fields of* grass or corn fields, when it (*the driving out*) could have been done in a more lawful manner.[1]

The exemption as regards a boat in rowing or swamping.

That is, the person is exempt who, by himself, takes a boat to row, or who along with another person swamps it. If it were *taken* down *in a case* of little necessity,[2] or through wantonness, there is a fine of foul-play for every trespass committed in taking it down and bringing it up.

[a] Ir. *A plundering.*

Mas re deiṫbirus doecma rucaḋ sis hi, .i. slainti essa [iġ] ocus etarbaiġ in caċ fogail do gentar ac a breith sis ocus ac a tabairt indis. Cid uatha cid sochaide ro aentaiġ in nimbaḋuḋ, is fiach fiancluiṫi o caċ dib ina ceile.

Ma ro aentaiġ in dara drem, ocus nir aentaig in drem aile, is fiach fianċluiċe isin dreim ro aentaiġ, ocus fiaċ cola cluiṫi isin dreim nar aentaig.

Ma tait luct laime and, ocus luċt imrama, ocus luċt medoncluiċi, is iat is luċt laime and luċt in combaiti, is iat is luċt medoncluiṫi and luċt imrama, is iat i[s] sellaiġ ann in luċt ro bi na tost is in nae.

Ma ta luċt combaiti indti, ocus luċt imrama, is iat is aes laime ann luċt in combaiti, is iat is luċt medoncluiċi ann luċt imrama; is iat i[s] sellaiġ ann in luċt ro bi ar purt ina fiadnaise, ocus co nicfaitis a tairmesc.

Bla liathroit urċur faichi prim cathraċ.

.i. slan don ti uasalscuires in liaṫroit ar faichi na caṫraċ primda, cena beṫa ac acra ar neċ dul ar a nurlainn, no cluiċi do denum uirre; noco dlegar a acra air, uair dicomais cach nurlaind.

Na huile denta uile bias ar faiche, slan do a comscaileḋ ar daigin comallaḋ a dligid faichi; manab ar daigin comallaḋ a dligid faiċṫi, is fiaċ ro aicneḋ a faṫa air.

Masa denta ina denta indligteca he seċtair faiċe, is lan fiaċ ina cet cinaid a faichṫi.

Masa denta ina denta dligṫeċa seċtar faiche, is aithgin ina cet cinaid a faiche.

Ma do ċuaid in liaṫroit seċtar faiċe amach, deiṫbirius

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[1] *That one might not.*—For "cena" of the MS. Dr. O'Donovan conjectured "cona," and translated accordingly

If it were through accidental necessity it was taken down, i.e. there is exemption on account of *injury to* idlers and unprofitable workers, for every trespass committed in taking it down and bringing it up. Whether few or many have consented to the swamping, there is a fine of foul-play from each of them in either case.

If one party consented and the other party did not consent, there is a fine of fair-play from the party that did consent, and a fine of foul-play from the party that did not consent.

If there be a hand-party there, and a rowing-party, and a party of middle-sport, the hand-party is the swamping-party, the middle-sport-party is the rowing-party, and the spectators are they who are silent in the boat.

If there be a swamping-party there, and a rowing-party, the swamping-party is the hand-party, the rowing-party is the middle-sport-party, and the spectators are they who were present on the bank, and who could have prevented it (*the swamping*).

The exemption as regards the ball in being hurled on the green of the chief 'cathair'-fort.

That is, the person is exempt who nobly strikes off the ball upon the green of the chief 'cathair'-fort, and this is in order that one might not[1] be sued for going upon a green, or playing a game upon it; it is not right that one should be sued for it, because "every green is free."

A person is exempt for demolishing every structure erected upon the green, *if he does so* for the purpose of maintaining the lawful use[a] of the green; *but* if it be not for the purpose of maintaining the lawful use[a] of the green, he pays a fine for it according to the nature of the case.

If the structures be illegal structures outside a green, there is full fine for their first injury[b] to the green.

If the structures be legal structures outside a green, there is compensation *to be made* for their first injury to the green.

If the ball went out beyond the green *and a person goes for it,* the case shall be ruled by necessity and consent and

[a] Ir. *lawfulness.*

[b] Ir. *tresspass.*

ocus uiriasaċt ocus uriaḋaḋ do riagail ris. Masa deiṫḃirius ocus uriasaċt ocus uriaḋaḋ, islan.

Masa deiṫbirius ocus uriasaċt no uriaḋaḋ, a teora cethruime a sláinti ocus a cethruime a cintaiġe.

Masa deiṫbirius ceń uriasaċt, cen uriaḋaḋ, a leṫ a slainti ocus a leṫ a cintaiḋe.

Ce beiṫ uriasaċt ocus uriadad, mana raib deiṫbirius, no comarlecud, noco namúil torba; aċt muna roib uriasaċt co comarlecud a nindeiṫbirius acon fir tall, uair mad ed on, islan.

Iseḋ is deiṫbirius and do deiṫbirius dul ar cenn na liaṫroiti.

Ised is uriasaċt and a escail do dul ar a cenn.

Ised is uriadaḋ ann firiadaḋ na bernad. Leṫ fiaċ duine caiċe in caċ fogail do dena in liaṫroit tall, ocus do gentar ac a tabairt amach.

Bla ceite rig tulcomrac.

.1. slan don rig in comrac tulla do niat in da marcaċ ina cet, ina faiċe; no islan don rig in maidm talman bis aice ina faiċe.

Masa maidm talman na cumangar do lesugad tre na muired no tre na linaḋ, ce co nista aile do denum ime, is denta diraiṫ, ocus is slan he a leṫ ris na huilib.

Masa maidm talman conecar do lesugad, is biṫbinċi do riagail ris.

Masa codnaċ ro targestur in eċ do ċum in denta, is fiaċ fo aicneḋ a faṫa on codnaċ isan ech, ocus lan fiach fo biṫbinċe in denta o fir in denta isin codnaċ; ocus

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[1] *Man-trespass.*—That is as distinguished from trespass committed by a beast.

[2] *Wickedness is the rule with respect to it.*—That is the case is considered as a tortious negligence.

[3] *For the sensible adult.*—That is, for the injury done to the sensible adult.

closing. If there be necessity and consent and closing, he *who goes for it* is exempt.

If there be necessity and consent or closing, he is three-fourths exempt and one-fourth liable.

If there be necessity without consent, without closing, he is half exempt and half liable.

Though there should be consent and closing, if there was not necessity, or permission *in the case of necessity*, it is not the same as *the case of* a profitable worker; unless in case of non-necessity he[a] has consent and permission, for if he have, he is exempt.

[a] Ir. *The man within.*

"Necessity" means the necessity of his going for the ball.

"Consent" means that leave is given him to go for it.

"Closing" means really closing the gaps. There is half fine for man-trespass[1] for every injury which the ball does within, and which is done in bringing it out.

The exemption as regards a king's race-course *in case* of sudden collision.

That is, the king is exempt *from liability* as regards a sudden collision that may occur between two horsemen on his race-course, *i.e.* his green; or, the king is exempt *from liability* for accidents caused by a chasm that he may have in his green.

If the chasm be one that cannot be made safe by levelling it or filling it up, but could *be made safe* by constructing a stake-fence around it, *if this has been done*, it is a lawful structure, and there is full exemption as regards all *accidents caused by it.*

If the chasm be one that could have been made safe *by levelling or filling up, but was not,* wickedness is the rule respecting it.[2]

If a sensible adult brings a horse to the structure, *and an accident happens,* a fine according to the nature of the case is *due* from the sensible adult for *injury to* the horse, and full fine according to the imperfection of the structure is *to be paid* by the owner of the structure for the sensible adult;[3]

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slan can ni uad isin nec̆, uair is codnac̆ ro tairgiustar hi.

Mas i in tech ro tairgestar in codnach do c̆um in denta, let̆ fiach fo bit̆binc̆e uirri, ocus scuirid merac̆t̆ a herma let̆ di; ocus lan fiac̆ fo bit̆binc̆e in denta o fir in denta isin nech, ocus let̆ othrus no let̆ aithgin uad isin codnach.

Masa mac i naes ica let̆ dire ro tairgiustar in ech do c̆um in denta, cethraime diri ocus othrus comlan co bas, cen comgnim, ocus ma ta comgnim, is cethraime dire ocus let̆ othrus; cethraime dire re taeb naithgina iar mbas, can comgnim, ocus ma ta comgnim, cethraime diri ocus let̆ aithgin; ocus lan fiac̆ fo bit̆binc̆e in denta o fir in denta, isin mac, ocus let̆ othrus no let̆ aithgin uad is in nech.

Masa mac i naes ica aithgina ro tairgestar in each do c̆um in denta, is let̆ othrus ocus cutrumus let̆e in let̆ dire dothrus co bas, cen comgnim, cethraime othrusa ocus cutrumus cethraimt̆i in let̆ dire; teora cethraimi aithgina iar mbas, cen comgnim, ocus má ta comgnim, cethraime ocus oc̆tmad̆; lan feich fo bit̆binc̆e in denta o fir in denta isin mac, ocus let̆ othrus no let̆ aithgin is in neach.

Ma se in tech ro tairgestar in mac do cum in denta, cid bed mac uile, cid mac i naes ica aithgina, cid mac i naes ica let diri, let̆ fiac̆ fo b[it̆bínce] ar an ech, ocus

and he (*the owner of the structure*) is exempt from *paying* anything on account of the horse, because it was a sensible adult that brought it (*the horse*).

If it is the horse that brings the sensible adult to the structure, there is half fine upon it (*the horse*) for its wickedness, and the encitement of being ridden takes *the other* half off it; and full fine according to the imperfection of the structure is *to be paid* by the owner of the structure for *injury to* the horse, and half sick-maintenance or half compensation for *injury to* the sensible adult.

If it be a youth at the age of paying half 'dire'-fine that brings the horse to the structure, *in case of accident, there should be paid* one-fourth 'dire'-fine and full sick-maintenance until death, if no one else is equally in fault,[a] and if some one else be equally in fault,[b] it is one-fourth 'dire'-fine and half sick-maintenance *he pays;* one-fourth 'dire'-fine with compensation after death *is to be paid,* if no one else is equally in fault,[a] and if any one else is equally in fault,[b] one-fourth 'dire'-fine and half compensation; and the owner of the structure pays full fine according to the imperfection of the structure, for the youth, and half sick-maintenance or half compensation for the horse.

If it be a youth at the age of paying compensation that brings the horse to the structure, it is half sick-maintenance and the equivalent of half of the half 'dire'-fine of the sick-maintenance until death *that should be paid* when no one else is equally in fault,[a] *and if another be equally in fault,*[b] one-fourth of sick-maintenance and the equivalent of one-fourth of half 'dire'-fine; three-fourths of compensation after death, if no one else be equally in fault,[a] and if any one else be equally in fault,[b] one-fourth and one-eighth; *and* the owner of the structure pays full fine, according to the imperfection of the structure, for the youth, and half sick-maintenance or half compensation for the horse.

If it is the horse that brings the youth to the structure, whatever youth he be, whether a youth at the age of paying compensation, or a youth at the age of paying half 'dire'-fine, *there is* half-fine upon the horse for its wickedness, and the

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[a] Ir. *Without co-operation.*

[b] Ir. *If there be co-operation.*

scoirid meracht a herma leṫ di; ocus lan fo biṫbinċe in denta o fir in denta isin neċ, ocus leṫ oṫhrus, no leth aithgin uad isin mac.

Mara comrac tullda da marcaċ, mas re aenreim torba atait mar aen, is trian naithgina o caċ dib fein ina ċeile, ocus leṫbrisid; mara combrisid, iseisid naithgina. Cen caemaċta imgabala, ocus ma ta caemaċta imgabala, is aithgin ocus leṫbrisid, ocus mara combrisid is leṫ aithgin.

Mas re hesba atait mar aen, is fiancluiṫe o caċ dib ina ċeile ocus leṫbrisid; mara combrisid, is leṫ fiaċ fiancluiċe. Cen caemaċta imgabala; ocus ma ta caemaċta, is fiach cola cluiche is in leṫbrisid, mara combrisid, is leṫ fiaċ cola cluiche.

Mas re heirim nessa in dara de, ocus re heirim torba araile, slan don torbach in tesba, can caemaċta imgabala; ocus ma ta caemaċta, is leṫ aithgin ocus leṫbrisid; mara combrisid, is cethruime aithgina. Is fiaċ fian cluiche on essaċ isin torbaċ, ocus letbrisid sin, mara combrisid, is leṫ fiaċ fiancluiċe, cen caemaċta imgabala; ocus ma ta caemaċta imgabala, is fiaċ cola cluiċi ocus letbrisid; mara combrisid, is leṫ fiach cola cluiċi.

Mas re hessa no re torba ata in dara de, ocus re indeiṫbirius foġla araile, slan don torbaċ no don essaċ in tindeiṫbirsech fogla, cid leṫbrisid, cid combrisid, ce beṫ caemaċta imgabala cen co be, aċt narab da ndeoin uachtnaigit ris; ocus mas ed, is lan fiach fo aicned a

excitement of being ridden takes the one-half off it; *and* the owner of the structure pays full fine, according to the imperfection of the structure, for the horse, *if injured,* and half sick maintenance, or half compensation for the youth.

If it be a face to face collision of two horsemen, *and* if they who are both on profitable business, there is one-third of compensation from each of them to the other, and *this is so, if there be* injury on one side only;[a] *but* if there be injury on both sides,[b] there is one-sixth of compensation. *This is the case* when they could not have avoided each other, but if they could have avoided each other, there is *full* compensation for injury on one side,[a] and half compensation if there be injury on both sides.[b]

[a] Ir. *Half-injury.*
[b] Ir. *Joint-injury.*

If both are *riding* for amusement, there is *a fine for* fair-play from each of them to the other for injury on one side; if there be injury[b] on both sides, there is half fine for fair-play. *This is* when they could not have avoided each other; but if they could, there is a fine for foul-play for injury on one side[a], and half fine for foul-play, if it be injury on both sides[b].

If one of them was riding for amusement and the other on profitable business, the person on profitable business is exempt *from fine* for *injury to* the idler, if it (*the collision*) could not have been avoided *by him;* but if it could, there is half compensation for injury on one side[a]; it is one-fourth of compensation if there be injury on both sides[b]. The idler pays a fine for fair-play, for the man on profitable business, in case of injury on one side, and half fine for fair-play in case of injury on both sides, if it (*the collision*) could not have been avoided *by him;* but if it could have been avoided, there is a fine for foul-play for injury on one side, it is half fine for foul-play, if there be injury on both sides.

If one was *riding* for amusement or profit, and the other for unnecessary trespass, the idler or the person on profitable business is exempt *from fine* for *injury to* the man of unnecessary trespass, whether *there be* injury on one side or injury on both sides, whether it (*the collision*) could have been avoided or not, but so as it was not wilfully they hurt him; and if it be, there is full fine upon them according to the nature of the case; and the unnecessary trespasser

faťa orro; ocus lan fiač for indeiťbirreč [fogla] indtibrium, cid leťbrisid, cid combrisid, ce be cen co be caemačta imgabala.

Ised is leťbrisid and aen duine ac imluad. Ised is combrisid and dias ac imluad; ocus nir brisid ačt aen duine in cach inud dibsin.

Mara codnač do rine in targud tre comraiti, lan dire na cneide, ocus othrus comlan co bas, no lan dire ocus aithgin comlan iar mbas.

Mas tre essa, leť dire na cneidi ocus othrus comlan co bas, no leť diri ocus aithgin comlan iar mbas.

Mas tre indeiťbire torba, othrus comlan co bas, no aithgin comlan iar mbas.

Mas tre comraiti ro tairgestar mac i naes ica leť dire in neč do čum in denta, leť dire na cneidi ocus othrus comlan cen comgnim, ocus ma ta comgnim, is leť dire ocus leť othrus; leť dire ocus aithgin comlan iar mbas cen comgnim, no leť dire ocus leť aithgin.

Mas tre essa, is cethraime dire na cneidi ocus othrus comlan co bas cen comgnim, ocus ma ta comgnim, is cethraime dire ocus leť othrus; no cethraime dire ocus aiťgin comlan iar mbas, cen comgnim, ocus ma ta comgnim, is cethraime dire ocus aithgin.

Mas tre indeiťbire torba, teora cethraime othrusa co bas cen comgnim, ocus ma ta comgnim, is cethraime ocus očtmad; na teora cethraime aithgina iar mbas; ocus ma ta comgnim, is cethraime ocus očtmad.

Mara mac i naes ica aithgina ro tairgestar in eč do čum na cuiťigťi tre comraiti, othrus comlan co bás cen

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[1] *To them.*—That is, to the persons riding for amusement or on profitable business.

pays full fine for *injury to* them,[1] whether there be injury on one side or injury on both sides, whether it (*the collision*) could have been avoided or not.

"Injury on one side" means one man being in motion. "Injury on both sides" means the two being in motion; and *it is implied that* but one person was injured in each of these cases.

If it be a sensible adult that brought *a horse to the place* designedly, *he pays* full 'dire'-fine for the wound, and full sick maintenance until death, or full 'dire'-fine and full compensation after death.

If it was in idle play *he brought it, he pays* half 'dire'-fine for the wound and full sick maintenance until death, or half 'dire'-fine and full compensation after death.

If it was for unnecessary profit, *he pays* full sick-maintenance until death, or full compensation after death.

If a youth at the age of paying half 'dire-'fine brings the horse to the structure designedly, *he pays* half 'dire'-fine for the wound and full sick-maintenance, when there is no abettor;[a] but if there be an abettor,[b] it is half 'dire'-fine and half sick-maintenance *he pays*; half 'dire'-fine and full compensation after death, without an abettor, or *according to others* half 'dire'-fine and half restitution.

[a] Ir. *Without co-operation.*
[b] Ir. *Co-operation.*

If it was in idle play *he brought the horse to the structure, he pays* one-fourth of 'dire'-fine for the wound and full sick-maintenance until death, when there is no abettor, but if there be an abettor, it is one-fourth of 'dire'-fine *he pays* and half sick-maintenance; or, *according to others*, one-fourth of 'dire'-fine and full compensation after death, without an abettor, and if there be an abettor, it is one-fourth of 'dire'-fine and compensation.

If it was for unnecessary profit, *he pays* three-fourths of sick-maintenance until death, when there is no abettor,[a] and one-fourth and one-eighth when there is an abettor;[b] the three-fourths of compensation after death *when without an abettor*. and if there be an abettor, it is one-fourth and one-eighth *he pays*.

If a youth at the age of paying compensation brings the horse to the pit designedly, *he pays* full sick-maintenance until death when there is no abettor, and half sick-mainten-

comgnim, ocus ma ta comgnim, is leč othrus; ocus aiťgin comlan iar mbas, cen comgnim, ocus ma ta comgnim, is leč aithgin.

Mas tre esba, teora cethruime othrusa co bas, cen comgnim, ocus ma ta comgnim, is cethruime ocus očtmad; na teora cethruime aithgina iar mbas cen comgnim, ocus ma ta comgnim, is cethruime ocus očtmad.

Ma tre indeiťbire torba, is leč othrus cen comgnim, ocus ma ta comgnim, is cethruime othrusa no leth aithgin.

Bla rob cubad.

.i. eirim deithbiri torba in codnaig islan do cach essac, ocus trian naithgina uad in cach torbač manas faca, no cia atconnairc, mana raba a sečna[ď]; ocus ma ro bi a sechna, is leč aithgin uaide isin nessač, ocus aithgin comlan isin torbač.

.i. slan do na robaib in cubiad, in biad caiťid ocuib, a tri mirenna im an conair aliu ocus anall, ačt nar caiťid imarcraid tairis, ocus da caiťid, is miach, no fiach duine caiťe.

No bla rob caebad.

Slan do na robaib in caebad do niat as a crobaib re heirim deiťbiri torba.

Mas re deiťbirius dočma atait, slainti esbaiǧ ocus etarbaiǧ, ocus tiačtain o leč dire co trian naithgina.

Mas re hessa, is leč fiach, ce do connaic cen co facaiǧ.

Mas re hindeiťbirius fogla atait, is lan fiač ce do connaic cen co facaig.

ance if there be an abettor; and full compensation after death, when there is no abettor, and if there be an abettor it is half compensation *he pays.*

If it was in idle play, *he pays* three-fourths of sick-maintenance until death, when there is no abettor, and one-fourth and one-eighth *of it*, if there be an abettor; the three-fourths of compensation after death, when there is no abettor, and one-fourth and one-eighth, if there be an abettor.

If it was for unnecessary profit, *he pays* half sick-maintenance when there is no abettor, and one-fourth of sick-maintenance or half compensation, if there be an abettor.

The exemption of animals respecting snatched food.

That is, the sensible adult in his lawful necessary riding is exempt *from fines* for *injury to* idlers, but pays one-third of compensation for *injury to* profitable workers, if he did not see them, or though he did see them, if there was no *power of* avoiding them; but if they could have been avoided, he pays half compensation for *injury to* idlers, and full compensation for *injury to* profitable workers.

That is, the animals are exempt *from liability* for the food which they eat in snatches, *viz.*, three bites on either side of the way, but so as they eat not much more, and should they do *so* eat, it (*the fine for it*) is a sack *of corn*, or a fine for man-trespass.

Or, the exemption as regards animals throwing up clods.

That is, the animals are exempt *from fine on account* of the clods which they throw up with their hoofs when ridden on necessary profitable business.

If they are *ridden* through unavoidable necessity, they are exempt *from fine* for *injury to* idlers and unprofitable workers, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

If *they are ridden* for idle play, there is half fine whether they have seen or not seen *the parties injured.*

If it is for unnecessary trespass they are *ridden*, it is full fine whether they have seen or not seen *the parties injured.*

Bla tene tellach no aithine.

.i. slan don ti astas in teine a tellach in tiġe ṫall, no aiṫine a tellach na haṫa amuiċ, o tair a suidiugad ocus a gnimugad, ocus o na bia fir forcraid aicbeile na hetallais; is dena diraiṫ, ocus slan a leṫ ris na huilib.

Ma do rala fogail acon tsuidiugad no co ngnimugad, slainti esbaiġ ocus etarbaiġ ann; ocus slainti na haṫa co na comobair, ocus slainti na tri narbann; ocus is cetfaid co mbeiṫ trian naithgina isin arbar uil ar lar, mana rabas a faill frichnama uime.

Ma ta fir forcraid aicbeile ocus etallais, is aṁuil indeiṫbire torba im leṫ aithgin i nesrach ocus i netarbach; aithgin a torba ocus a robu, ocus aithgin na atha cona comhobair .i. scuab, seiche, ocus susta; ocus aithgin na tri narband.

Cetheora comfiachaiġ aithfegtar a naith .i. fer scoltaidṫi in condaid, ocus fer ataidi na tened, ocus fer cruaḋaiġṫi, ocus fer tairberta in condaid. Ocus comad he bud fear laime im íc naithgina fer ataidi na teined; no comad he fer in cruadaiġṫi, ma ta combrostugad air.

Bla carbat aenach.

.i. slan don ti beires in carbat isin aenaċ. Slan do ce brister in carḃat isin naenach, aċt narab tre borblachas; ocus mad ed on, is fiach fo aicned a faṫa air. Ocus slan dfir in carbait ce foglaid in carbat risium, aċt

The exemption as regards fire on the hearth or as regards a coal.

That is, the person is exempt *from liability* who rakes together the fire on the hearth of the house within, or a coal on the hearth of the kiln outside, when it has been set and put in operation, and when there is no knowledge of excess, danger, or defect; it is a lawful work, and there is exemption *from fines* in all respects.

If a trespass should occur at the setting of it or at the putting of it in operation, there is exemption *from fine* for *injury to* idlers or profitable workers in it (*the case*); and there is exemption as regards the kiln and its appurtenances, and exemption as regards the three kinds of corn; but it is the opinion *of lawyers* that there would be one-third of compensation as regards corn which is on the floor, unless it were for negligence in minding it.

If there be knowledge of excess, danger, or defect, it is like *a case of* unnecessary profit with respect to half compensation for *injuries to* idlers or unprofitable workers; compensation for *injury to* profitable workers and animals, and *for injuring the kiln*, compensation for the kiln with its appurtenances, viz., broom, hide, and flail; and there is compensation for the three kinds of corn.

There are four recognised as jointly liable in a kiln, viz., the man who cleaves the fire-wood, and the man who kindles the fire, and the man who dries *the corn*, and the man who puts on the fire-wood. And the man who kindles the fire is he who actually *in the first instance* is liáble[a] for paying the compensation; or it may be the man who dries the corn, if he has been urged on.

The exemption as regards a chariot in a fair.

That is, the person who brings the chariot into the fair is exempt *from liability for any injury done to it at the fair.* He is exempt even though the chariot be broken at the fair, provided it was not *broken* through furious driving; but if it was, he shall be fined according to the nature of the case. And should the chariot injure any one, the owner of the chariot is exempt *from liability* if he were not aware

[a] Ir. *Hand-man.*

na raib fir crine, na etallair, na haicbeile; ocus da raib, is fiach ro aicned̄ a fatha air.

Bla coire combruth.

.i. slan don coire in combrot̄gal do ni, o bus cobraid biad ocus tene ocus coire; ocus o na biad fir forcraid, aicbeile, na hetallair; is denta diraith, ocus slan a let̄ sir na huilib.

Acht arfocra fer foichlid ael a coire

.i. act̄ co nderna urfocra; urfoic̄lid, ar se, ac seo in tael is in cairi. O do gena dliged nurscair, slainti esraid ocus etarbaid ann; ocus tiac̄tain o let̄ dire co trian nait̄gina.

Bla dam damgal, ocus imidecht, ocus imairgnechus, ocus arathar.

Bla dam, 7rl. .i. bla na ndam inand is bla nuiṫleċ, ocus islan doib [an] do cuirenn fo cosaib o bias gne tairce forro. .i. slan do na damaib in gail do niat fo feġmum. Ocus imidecht, .i. cid ar imtecht beid. Ocus imairgnechus, .i. in temairgnechus uair do niat imuiċ ar in nachad. Ocus arathar .i. cid fon arathar beit, uair feidm nach arathar a dubramar romaind.

.i. slan do na damaib cach uile ní uile dara dairgeba in ċodnac̄ iad ina cert imain, ocus ina luat̄ imain ocus ar a ningeilt fo fedmum, act̄ narab tre bit̄binc̄i fuachtnaiḡit; ocus mad ed on, act̄ mara ceirt imain, no mara ingeilt, lan fiac̄ isin torbac̄ ocus slainti i nesbac̄.

[In torbac̄ no] in tesbac̄ ro indraiḡ ann; ocus damad air ro indraiḡt̄ea, ro bad lan fiach isin torbac̄, ocus let̄ fiac̄ isin esbac.

Mara luat̄ imain, no mara feidm, leit̄fiach isin torbac̄ ocus sláinti i nesbac̄; ocus meract̄ a fedma no a luat̄

of its being unsound, or defective, or dangerous; but if he were, he shall be fined according to the nature of the case.

The exemption as regards a cauldron in boiling.

That is, the cauldron is exempt in its boiling, when the food, the fire, and the cauldron are properly arranged; and when there is no knowledge of excess, danger, or defect; it is a lawful work, and there is exemption *from fines* in all respects.

But that the attendant gives notice of *his putting* the fork into the cauldron.

That is, but so as he (*the attendant*) warns: "take care," says he, "here goes the fork into the cauldron." When he has given this legal *warning of* removal, he is exempt *from fine* for *injury to* idlers and unprofitable workers; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation *for injury to profitable workers.*

The exemption as regards oxen *in* working, and *in* being driven, and *in* grazing, and *in* ploughing.

The exemption as regards oxen, &c., i.e. the exemption *in the case* of the oxen is the same as the exemption *in the case* of the new-milch cows, and they are exempt as regards what they trample under their feet when they are in any way led out, i.e. the oxen are exempt *from fine* for the act, i.e. *the injury* they commit during their work. *In* being driven, i.e. when they are going *to and from their work.* And *in* grazing, i.e. in their noble grazing abroad in the field. And *in* ploughing, i.e. while they are at the plough, for the work we mentioned above was not ploughing.

That is, the oxen are exempt as regards everything over which a sensible adult conducts them in proper driving, or quick driving, and in their grazing while engaged at work, provided it be not through wickedness they did the damage; and if it be, provided it be *in* proper driving, or if it be *in* grazing, *there is* full fine for *injury to* the profitable worker and exemption as regards the idler.

It was the profitable worker or the idler *that* made the attack in this case; and if the attack had been made upon him, the profitable worker would be entitled to full fine, and the idler to half fine.

If *the injury was inflicted in* quick driving, or if *it be at their* work, *there is* half fine for *injury to* the profitable worker and exemption as regards the idler; and the excite-

imain do scor in lec̃e aile dib. [In torbac̃ no] in tesbac̃ ro indsaig̃ and sin; ocus damad air ro indsaigt̃ea, ro bad let̃ fiach isin torbac̃, ocus cethruime isin nesbac̃.

A m[b]eõg as a cennasaib, slan doib in tesbac̃ ro indsaig̃ c̃ucu co hor criche, ce bet̃ frit̃aig̃id̃ cen co be, ocus in tesbac̃ co frit̃aig̃id̃ sec̃tar crich; cethruime uat̃u isin nesbac [do lenadar amac̃], cen frit̃aigid, sec̃tar crich, no isin torbac̃ co frit̃aig̃id̃ i cric̃; let̃ fiac̃ isin torbac̃ can frit̃aigid cid i cric̃, cid a sec̃tar cric̃. In comfot bes merac̃t a fedma ourru sin; ocus o rac̃us dib, is lan fiac̃ isin torbach, ocus let̃ fiach isin nesbac̃.

Imta, ce ria uat̃usum, slainti esbaig̃ ocus etarbaig̃ do na haireamnaib etarru budein, ocus, taidec̃t o leit̃ dire co trian naithgina.

Slan do na hairemnaib cac̃ fogail do genat ris na damaib ac tarraing̃ a feadma ocus a seicgnimraid astu, ac̃t narab tre borblac̃us, ocus mad ed on, is fiac̃ fon fath.

Slan do na damaib cac̃ fogail do genat ris na airemnaib, ac̃t narab tre bit̃binc̃e, ocus mad ed on, is let̃ fiach fo mbit̃binc̃e orro, ocus merac̃t a fedma di scor in lec̃e aile dib.

Ma ta dam bit̃bincech isin narathar, ocus ata fer bunaid ar aird, ocus ata fis aici, is uiliataid a cinad dic do uile.

Mana fuil ar aird itir, ocus ata a fis aici, in neoch do formac̃t fis dic dfir bunaid; in neoc̃ do formac̃t aicsiu ocus nemurscartad dic do luc̃t arathair.

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[1] *If they are gone from.*—That is, if they are left by those who should take care of them.

ment of their work or of the quick driving takes the other half off them. *It was* the profitable worker or the idler *that* made the attack in this case; and if the attack had been made upon him, the profitable worker would be entitled to half fine, and the idler to one-fourth.

As to starting from their halters, they are exempt *from fine* for *injury to* the idler who advanced upon them to the border of the field, whether they be provoked or not, and the idler who provoked them outside the border; there is one-fourth *fine* from them for *injury to* the idler whom they follow outside the border, and who does not provoke,[a] or for injury to the profitable worker who provokes[b] within the border; *there is* half fine for *injuring* the profitable worker who does not provoke[a] whether within or without the border. This is while the excitement of their work is upon them; and when it has gone off them, there is full fine for *injuring* the profitable worker, and half fine for *injuring* the idler.

So, too, if they (*the oxen*) are gone from,[1] they are exempt *from fine* for *injury to* idlers and unprofitable workers *who may be* among the ploughmen themselves, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation *in the case of profitable workers.*

The ploughmen are exempt as regards such injuries as they may do to the oxen in getting their work and their full service from them, if it be not *done* with violence, and if it be, there is a fine according to the nature of the case.

The oxen are exempt as regards such injuries as they do to the ploughmen, but so as they be not *done* through wickedness, and if so, there is half fine upon them (*the oxen*) for their wickedness, and the excitement of their work takes the other half off them.

If there be a wicked ox in the ploughing, and its owner is present, and knows of it, he pays the full amount for its offences.

If he be not present, and yet knows of it, the owner pays the amount which his being aware of it adds to the fine; *and* the ploughmen pay that which the fact of having seen and not removed (*the ox*) adds to it.

[a] Ir. *Without provocation.*

[b] Ir. *With provocation.*

Ma ta aċtugaḋ airiti air eturru, slan doibrium in tar sin do denum, ce beṫ fir foindi no amneirt, aċt na dernat imarcraid tairis; ocus da ndernat, is cuic seoit ann, fiaċ forcraid foimelta for oin, ocus aithgin na imarcrada do caċ duine dada dam isin arathar; no, comad aen cuic seoit doib uile, ocus comroindit etarru he fo comairdi no fo leiṫairde.

Maine fuil aċtugaḋ airiṫi air etarru 7rl, slan doibrium in gnim do buain astu, aċt na roib fir foindi no aimneirt, ocus ma ta, is fiaċ fon fath.

Ma ro gabad in dam la nar bo leis, is cuic seoit ann, fiach foimrime.

Ma ṫucad in dam in inad is airdi na inad budein, is fiach forcraid foimelta for oin ann. Ocus cid aen duine tisad tairmesc in narathair, comad ed bud ail aithgin in lae uile uad, noco nuil uad aċt aithgin a cota budein. No, dono, comad ann ro beiṫ aithgin a ċota budein uad in tan is re deiṫbirius ro toirmisc iat, ocus masa indeiṫbirius, is aithgin in lae uile uad.

In duine tainic ċucu cu friṫaigid co coin no co mbrut find, acht muna caemnacair a friṫaigid do diċur uad, co tairmesc gnimraid no can tairmesc gnimraid, amail torbaċ cen friṫaiġe he, i leṫ fris bodein, ocus amail do neṫ eigem deiṫbire torba i leṫ re nech aile.

Mana caemnacair a diċur uad cen toirmesc gnimraid, ocus cunicbad ann sin, amail torbaċ co friṫaiġiḋ he i leṫ fris budein, am̃ail do neiṫ eigem indeiṫbire torba i leṫ re nech aile.

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[1] *Compensation for his own share.*—This would seem to mean compensation for the portion of the ploughing which his taking away his ox or oxen prevented being performed on the day in question.

If there be a particular stipulation respecting it between them, they are exempt *from liability* in doing the stipulated ploughing, though aware of weakness or want of strength *of the oxen*, provided they did not do much beyond it; and if they did, there shall be *paid for such excessive work* five 'seds' (the fine for over using a loan), and compensation for the excess to every person having an ox in the ploughing; or, *according to others*, it might be five 'seds' only for them all, and they divide it (*the fine*) between them equally or unequally.

If there be no particular stipulation respecting it (*the ploughing*) between them, &c., they (*the ploughers*) are exempt from liability for getting the work out of them (*the oxen*), provided they were not aware of any weakness or want of strength *on their part*, and if they were, there shall be a fine according to the nature of the case.

If an ox be yoked on a day out of his turn, there is a fine of five 'seds,' (the fine for use), for it.

If an ox be put in a position of greater pressure[a] than the stipulated position[b] there is a fine for over-using a loan for it. And if a person should come to prevent the ploughing, though compensation for the whole day should be sought from him, there shall be *recovered* from him but compensation for his own share;[1] or, indeed, *according to some*, compensation for his own share is *recoverable* from him when it was out of necessity he prevented them (*the ploughers*), but if it was not out of necessity, he pays compensation for the whole day.

As to the person who came to them with a dog or a white sheet for the purpose of provoking *the oxen*, if his provocation could not be got rid of by preventing the work or without preventing the work, he is *considered* in respect to himself, as a profitable worker without provocation, and as respects another person *whom he may have injured in his attempt*, as one who raised a shout for necessary profit.

If he could not be got rid of without preventing the work, and then could *have been got rid of*, as respects himself, he is as a profitable worker with provocation, and as respects another person *whom he may have injured*, as one who raised a shout for unnecessary profit.

[a] Ir. *Higher*.

[b] Ir. *His own*.

Mad conicfad a frit̆aiğid̆ do dic̆ur uad cen tairmesc gnimraid, amail esbac̆ cu frit̆aiğid̆ he i let̆ fir budein, ocus amail do neich eigeam easba i let̆ re nech aile.

Bla cuithech sliab no diraind.

Bla cuithech sliab .i. slan don ti do ni in cuiṫig is in sleib. No diraind, .i. in adbalraind na caille. Cuithech .i. cuċaire teċta sin, ocus slan hi i sleib no ndiraind, o bias escaire cen co roib, imme.

Eascaire na cuit̆iği do rig ocus do t̆uait̆. Eascaire in bera airndil dar nae norba. Eascairi in con cu trat̆ ocus co nescaire fiad luc̆t aen lis ocus aen baili, ocus cu teora faidi forairi a deir isin ninad aile.

Eascaire in con rodaiğ, ocus inn aiği mir, do na ceit̆ri comaic̆t̆ib ata nesa.

Eascairi in frit̆i tire do na sec̆t ninadaib a deir dliged;—co rig, co aircindec̆, co briugaid̆, co breithemain, co prim gobaind, co muilend tuait̆i, fiad luc̆t aen lis ocus aen baile.

Eascaire in frit̆i fairrgi tar na teora cric̆a ata nesu do muir, ocus do loingsechaib mara in cethramad crich.

In cu confaid; nocu namuil tarba a hescaire no co ndentar a marbad̆, ocus ce marbtar, muna loiscter, ocus ce loiscter, mana cuirter a luait̆ re sruth.

Bla moga biail imfaebur, for lar rig treibe, no rot imfedna.

.i. slan don mogaid ma beir imefaebur ac a beil, for lar treibi in rig. O da airgeba in gnimugad̆ ocus in suidiugad̆,

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[1] *The set-spear.*—This may have been a sort of deer-trap.

[2] *The hound entitled to time and notice.*—For rules as to hounds "with time and notice," and hounds "without time and notice," &c., *vide* C. 2502, *et seq.*

If his provocation could have been got rid of without preventing the work, he is regarded as an idler who provokes, as respects himself, and, as respects another person *whom he may have injured,* as one who raised a shout of idleness.

The exemption as regards a pit-fall in a mountain or wood.

The exemption as regards a pit-fall in a mountain, i.e. the person who makes the pit-fall in the mountain is exempt. Or a wood, i.e. in the great circuit of a wood. A pit-fall, i.e. it is a lawful pit-fall; and it is safe *to have it* in a mountain or a wood, whether there be notice of it or not.

Notice of the pit-fall *should be sent* to the king and to the community. Notice of the set-spear[1] *should be sent* over nine holdings. Notice of the hound entitled to[a] time and notice[2] *should be given* in presence of the people of one 'lis'-fort and one village, and to thrice the distance of watching mentioned in the other place. Notice of the hound in heat, and of the mad cow, *should be sent* to the four nearest neighbourhoods.

[a] Ir. *With.*

Notice of a waif of the land *should be sent* to the seven quarters which the law specifies:—to a king, to an 'airchinnech'-dignitary, to a 'briughaidh'-farmer, to a brehon, to a chief-smith, to the mill of the territory, *and* in presence of the people of one 'lis'-fort and one village.

Notice of a waif of the sea *should be sent* over the three territories nearest to the sea, and to the shipmen of the sea in the fourth territory.

As to the mad dog:—there is no benefit in proclaiming it (*the dog*) unless it be killed, nor though it be killed, unless it be burned, nor though it be burned, unless its ashes have been cast into a stream.

The exemption of a servant, in respect of the edge of an axe, on the floor of a king's house, or on a road of carriage.

That is, the servant is exempt *from fine* for *injury done by* the edge of an axe which he wields around him, at his work, upon the floor of a king's house. When he has finished

ocus o na bia fis forcraiḋ na haicbeile na hetollais, is denta diraiṫ.

In airet beiṫer acon gnimugaḋ ocus acon suidiugaḋ, slainti esbaiġ ocus etarbaiġ ann co ndenom a dligeḋ; trian naithgina a naes comgnimraid, in caċ torbaċ, ocus in caċ rob; ocus taideċt o leṫ dire co haithgin.

Mas ar a laim do ċuaid, is a beṫ amail ata, bla moġa mosgaine, .i. mas da cind do ċuaid, is a beiṫ amail ata, bla ord indeoin.

Masa slisiu, is a beṫ amail ata, bla slisen sairri.

Masa mairled, is a beṫ amail ata, bla crann cutaim.

No rot imfedna .i. no in rot iarsa ndenann a eimfeġain iar cae, iar conair.

In naired beither acon gnimugad, ocus acon truidiugad, slainti esbaiġ ocus etarbaiġ ann co ndenum a dligiḋ; trian naithgina i naes comgnimraiḋ, in cach torbaċ, ocus in caċ rob; ocus taideċt o leṫ dire co trian naiṫgina.

Bla cumaile lec ocus losat.

.i. slan don cumail dair a lec ocus a losat do ċur seici, sis ocus suas, in naired beither acon gnimugad ocus acon truidiugad tsis ocus tsuas. Slainti esbaiġ ocus etarbaiġ ann co ndenum a dligid, trian naithgina a naes comgnimraid, in caċ torbaċ, ocus in caċ rob; ocus taideċt o leṫ dire co aithgin.

O da airgeba in gnimugaḋ ocus in suidiugaḋ suas, ocus o na bia fis forcraid, na haicbeile, na etallais, iscenmanna do riagail a leṫ ria, no is denta diraith.

his work and the arrangement, and when he has no knowledge of excess, danger, or defect, it is a lawful work.

As long as he is at the work and at the arrangement he is exempt *from fine* for *injury to* idlers and unprofitable workers when he acts legally; *he pays* one-third of compensation for *injury to* fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to compensation.

If it (*the axe*) slipped out of his hand *and injured any one*, it is to be *ruled* as is "the exemption of a servant in his service," i.e. if it was its head that flew off[a], it is to be *ruled* as is "the exemption of sledge and anvil."

If it were chips *that did the injury*, it is to be *ruled* as is "the exemption of chips in carpentry."

If it were the block *that did the injury*, it is to be *ruled* as is "the exemption of a tree in its fall."

Or a road of carriage, i.e. or the road upon which he performs his carrying, *using it* as a way, a passage.

As long as he is at the work and at the arrangement, he is exempt *as regards fine* for *injury to* idlers and unprofitable workers, when he acts legally; *he pays* one-third of compensation for *injury to* fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

The exemption of a bondmaid respecting the flag and kneading trough.

That is, the 'daer'-bondmaid is exempt *from liability* in putting her *baking* flag and her kneading trough by her, up and down, as long as she is at the work and at the arrangement down and up. She is exempt *from fines* for *injury to* idlers and unprofitable workers, when she is acting legally, *but pays* one-third of compensation for *injury to* fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to compensation.

When she has finished the work and the arrangement *of the baking utensils*, and when there is no knowledge of excess, danger or defect, "slippings" is the rule in this case, or it is a lawful work.

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[a] Ir. *If it went off its head.*

THE BOOK OF AICILL.

Oċus aiċed fognuma olc̈ena:

.i. In ní is uca toğaidi le bis aici acon fognum uile cena, in criathar; is amlaid sin bias.

Bla iasaċhta difoiċheda; tairisi oglan.

Bla iasachta .i. slan don ti beirius in tiasaċt da tic a difoiched. Tairisi oglan .i. is do is oslan he, don tairisi, don fir fine cen fonaidm a taisic, can fis difoicheda, aċt difoicheda de da taraċtain, islan. Ma ta fonaidm a taisic, is leṫ aithgin.

Oin dfir anfine cen fonaidm a taisic, can fis difoicheda, aċt difoichid de da taraċtain, is leṫ aithgin; ma ta fonaidm a taisic, is aithgin.

A da nanfis difoicheda cu ngabail trebairi, is aithgin; munar gab treabairi, islan.

Mara fis ac in ti o rucad, ocus anfis ac in ti rucustar, ce ro gab trebairi, cen cor gab, islan.

Mara fis ac in ti rucustar, ocus anfis ac in ti o rucad, is aithgin.

A da fis daingne araen im in naithne, cu ngabail treabairi, islan; mun ro gab trebairi, is leṫ aithgin. A da nanfis etaingne imaraen, ce ro gab trebairi cen cor gab, is aithgin ar a met rob ḟaill do can a teg do testugaḋ.

Cid fodera i bail ata fis daingne no etdaingne araen im in naithne cu ngabail trebaire, conad slan; ocus a bail

And her *other* working utensils in general.

That is, the thing which she chooses to have with her at her work generally, the sieve, *for instance*; it (*the case*) shall be similarly *ruled*.

The exemption as regards a loan destroyed; the beloved man is completely exempt.

The exemption as regards a loan, that is, the person who takes a loan is exempt should it be overtaken by great disease. The beloved man is completely exempt, i.e. the person to whom there is entire exemption is the beloved man, the man of the family who is not bound to restore it (*the loan*), who has no knowledge of any great disease except the visitation of God overtaking it, he is exempt. If he be bound to restore it, it is *a case of* half compensation.

A loan to a man not of the family, who is not bound to restore it, who has no knowledge of great disease, except the visitation of God overtaking it, is *a case of* half compensation; if he be bound to restore it, it is *a case of* full compensation.

The ignorance of great disease *on the part* of both with taking of security, is *a case of* compensation; if he (*the lender*) did not take security, he (*the borrower*) is exempt.

If the person from whom it was taken had knowledge *of disease*, and the person who took it was ignorant, whether he (*the lender*) has taken security or not he (*the borrower*) is exempt.

If the person who has taken *the loan* had knowledge, and the person from whom it was taken was ignorant, it is *a case of* compensation.

If both have knowledge together of the safety *of the place in which the charge was put*, with respect to the charge, and if security was taken,[a] he (*the borrower*) is exempt; if he (*the borrower*) did not take security, it is *a case of* half compensation. If both are equally ignorant together of the place being unsafe, whether he has taken security or not, it is *a case of* compensation for his great neglect in not testing *the firmness of* his house.

What is the reason that when they have both knowledge of the place being safe, or unsafe with respect to the charge, and security has been taken,[a] it is *a case of* exemption; and

[a] Ir. *With taking of security.*

ata a da fis difoichida mar aen im in óin, co nictar aithgin ann ?

Is e fat̃ fodera; in duine acar facbad in aithne is e gaibes trebuiri re slan aithne, ocus coir cemad slan; don duine o mberar in óin, is e gabus trebuiri re haisic a hona do, ocus coir ce ra hicta aithgin ris.

Bla arm urgal.

.1. slan don ti beires in tarm duasal gail debt̃a de; a arm ocus a etach budein sin, no arm ocus etac̃ neic̃ aile as a aititin; ocus amail is dilus he budéin uile, no is amlaib̃ is dilus he co ruici a let̃, is amlaib̃ is diles let̃ a airm ocus a etaig.

Masa arm ocus etac̃ neic̃ aile dar sarugad a fiadnaisi, no i nanfis i necmais; ac̃t ma mairid in tarm no in tetac̃ acon fir imuic̃, is aisic dfir bunaid in nairm no in etaig; ocus fiac̃ foimrime o fine in fir ro marbad ann dfir bunaid in airm no in etaig̃; ocus arm ocus etac̃ a comaicinta o fine in fir ro marbad don fir imac̃, ina dliged arm no etach.

Muna mairenn in tarm no in tetach acon fir amaich itir, is arm ocus etac̃ a comaicenta o fine in fir ro marbad ann, conad fiach foimrime o fir bunaid in airm no in etaig̃.

Ma ro fitir in fer imaich co nar bo diles do in tarm no in tetach, is a beit̃ amail fer medongaiti lan indligtech; mana fitir itir, is a bit̃ amail fer medongaiti lan dligtech, slan do act nara gaba ime, ocus da ngaba, is aisec uada co lan fiac̃aib gaiti.

that when they have both knowledge equally of great disease with respect to the loan, then compensation is paid for it?

The reason is: the man with whom the charge was left is he who takes security for exemption as regards the charge, and it is right that he should be exempt; as to the person from whom the loan is obtained, it is he who takes security for the repayment of his loan to him, and it is right that compensation should be paid to him.

The exemption as regards arms in battle.

That is, the person who brings a weapon to a noble conflict is exempt; this is *concerning* his own weapon and raiment, or the weapon and raiment of another *taken* with his consent; and as he himself would be lawful spoil wholly, *in the former case,* or would be lawful spoil as far as reaching half, so *in the latter case,* half his weapon and raiment are lawful spoil.

If it be the weapon and raiment of another *a person takes* by force in his presence, or without his knowledge in his absence; and if the weapon or the raiment remain with the man who took them,[a] the weapon or the raiment is to be restored to the owner; and a fine for use is to be paid by the family of the man who is killed to the owner of the weapon or raiment; a weapon and raiment of the same nature *are to be given* by the family of the man who was killed to the man who killed him,[b] as he has a right to a weapon or raiment.

If the weapon and raiment do not remain with the man who killed him,[b] a weapon and raiment of the same nature *are to be given* by the family of the man who was killed *to the man who owned the weapon and raiment,* and a fine for use *is to be paid* by the owner of the weapon or raiment.

If a man who kills another[b] knows that the weapon and raiment are not his lawful spoil, *and yet takes them,* he shall be *regarded* as a fully unlawful middle-theft man; if he knew it not, he shall be *regarded* as a fully lawful middle-theft man, and is exempt, provided he does not put them on, but if he has put them on, he shall restore them, with full fines for theft.

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[a] Ir. *The man without.*

[b] Ir. *The man without.*

Ma conainic in marbad can in tarm no can in tetach do lot, is let̃ fiach cach ainfis; muna caemnacar itir, is cethramt̃a cach ainfis.

Bla muilind bleith.

.i. denta dirait̃ a cetsceinm cen fis etallais; inand ocus bla in uird on cetsceinm amach. A fis a triur, saer ocus fer bleit̃i ocus fer muilind, is a ic do fir muilind.

O bias fis ac fear muilind, cid be oca mbe maille fris, is e fer muilind icus, act̃ in ni tormaiges aicse ocus nemaicse for fer bleit̃i. Fis sair imurro, ocus fis bleit̃, is e fer bleit̃i icus, ocus noca nicann saer muilind.

Slan don ti do ní in mbleit̃ is in muilenn, .i. denta dirait̃ cetsceinm in muilind.

Cid fodera co na denta diraith cetsceinm in muilind sunn, ocus co nac̃a eõ cetsceinm in uird tuas? Is e fat̃ fodera; mo is denta dirait̃ in ni uil ac imluad an muilind sunn, in tuisci, ina in ni uil ac imluad an uird tuas, lama na ndaine.

Mas e in dara sceinm cu fis etallais, let̃ aithgin i nesbac̃ ocus i netarbac̃, aithgin i torbac̃ ocus i naes comgnimraid, let̃ diri la aithgin i ruru cu fiacsin na rob, ocus mana facaid, is aithgin.

Mas e in tres sceinm co fis etollais, cethrat̃mu dire la aithgin i torbach ocus i naes comgnimraid, lan dire la haithgin i ruru co faicsin na rob, ocus mana facaid itir, is let̃ dire la aithgin.

Mas e in cethramad sceinm co fis etallais, let̃ [dire] la aithgin i nesbac̃ ocus i netarbac̃, lan diri la aithgin i torbac̃ ocus i naes comgnima, ocus ro siact̃ lan cena i ruru.

If a man could have killed another[a] without injuring his weapon or raiment, *but injured them*, it (*the penalty*) is half-fine for every *case of* ignorance; if he could not *have so killed him*, it is one-fourth *fine* for every *case of* ignorance.

The exemption as regards a mill in grinding.

That is, the first slipping *of the mill*, if there is no knowledge of defect, is *ruled as if it were* a lawful work; from the first slipping forth, it is the same as "the exemption of the sledge." If the three persons concerned, viz., the mill-wright, the grinder, and the mill-owner were aware *of a defect*, the mill-owner has to pay for it.

If the mill-owner be aware *of the defect*, whoever of them (*the others*) might also have been *aware of it*, the mill-owner pays, except that which seeing or not seeing imposes in addition on the grinder. But if the mill-wright and the grinder were aware of it, it is the grinder who pays, and the mill-wright does not pay.

The person who grinds in the mill is exempt, i.e. the first slipping of the mill, is *ruled as if it were* a lawful action.

What is the reason that the first slipping of the mill is *as if it were* a lawful performance here, and that the first slipping of the sledge above is not *so?* The reason is: *the action of* that which works the mill, *viz.*, the water, is more of *the nature of* a lawful performance, than *the action of* that which works the sledge above, *viz.*, the hands of the men.

If it be the second slipping with knowledge of defect, *there is* half compensation for *injuries to* idlers and unprofitable workers, compensation for profitable workers, and fellow-labourers, half 'dire'-fine with compensation for animals if seen, and if not seen, compensation *only.*

If it be the third slipping with knowledge of defect, *there is* one-fourth 'dire'-fine with compensation for *injury to* profitable workers and fellow-labourers, full 'dire'-fine with compensation for *injury to* animals if the animals were seen, and if not seen, it is half 'dire'-fine with compensation.

If it be the fourth slipping with knowledge of defect, *there is* half 'dire'-fine with compensation for *injuring* idlers or unprofitable workers, full 'dire'-fine with compensation for *injuring* profitable workers and fellow-labourers, and there is full '*dire'-fine* for *injuring* animals also.

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[a] Ir. *If the killing could have been done.*

Ma ta fer bunaid ar aird, ocus ata saer, ocus ata fer bleit̄i, ocus ata fis ac fir bunaid, is uiliataid a cinaid uile dic dfir bunaid.

Muna fuil fer bunaid ar aird itir, no ce beit̄, muna fuil fis aici, ocus ata fis ac saer, in neoc̄ do rormac̄t fis dic do saer, in neoc̄ do rormac̄t aicsi ocus nemurscartad, do comic doib etarru.

Cid fodera co nicand fer bleit̄i cinta in muilind sunn, cen cor gab do laim bit̄ fo cintaib, ocus co na hicann in duine tuas cinta in neich, manar gab do laim bit̄ fo cintaib? Is e fat̄ fodera; do genad in tech tuas indliged cen co cluaistea he, ocus coir cemad tslan in ti ro gluaisestar he, o na geba do laim bit̄ fo cintaib. In muilend imurro, noco dingned indliged muna gluaistea he, coir ce ro beit̄ a cin for in ti ro gluaisistar he.

Bla muilind bleit̄.

Slan dfir in muilind cid bed gabus itir a da fer, cid aes deit̄bire cid aes indeit̄bire.

Slan don cet sceinṁ na bro fis cac̄ naen; no dono, comad trian naithgina ina cet sceinm in cac̄ naen tic do bleit̄, as amail aes comgnimraid̄; ocus ait̄gin isin cinaid tanaisti; ocus let̄ fiac̄ la aithgin isin tres sceinm; ocus lan fiac̄ la ait̄gin isin cethramad̄ sceinm. Ocus is am̄ail cet sceinṁ do gres dia ndaingnit̄er cac̄ fec̄t. Ocus mad he in saer facbus droc̄seol fair, is e icus na fiac̄a so uile; mad ro treisi in uisci imurro, ocus ni droc̄seol bis fair, is fer in muilenn icus na fiacha so uile.

If the *mill*-owner, the mill-wright, and the grinder be present, and the *mill*-owner be aware *of a defect,* the *mill*-owner pays the whole amount of the damage *that may occur.*

If the *mill*-owner be not present, or, though he be, if he be not aware *of the defect,* and *if* the mill-wright is aware *of it,* that which the *fact of* being aware *of the defect* adds *to the fine* is paid by the mill-wright, and that which seeing and not removing *beasts, &c.,* adds *to it,* they pay equally between them.

What is the reason that the grinder pays for the injuries *caused* by the mill *in* this *case,* although he did not undertake to be responsible for injuries, and that the man *in the case* above does not pay for the injuries *done* by the horse, unless he had undertaken to be responsible for *such* injuries? The reason is: the horse *in the case* above *referred to* would do an illegal thing, though it were not set in motion, and it is right that the person who set it in motion should be exempt when he did not undertake to be responsible for the injuries *it may commit.* *As to* the mill, however, inasmuch as it could not do anything illegal if it were not set in motion, it is right that the person who set it in motion should be responsible for it.

The exemption as regards a mill in grinding.

That is, the mill-owner is exempt *from liability* for *injury to* a person caught between the millstones,[a] whether the persons *present there* of necessity or without necessity.

In the first slipping of the millstone, there is exemption as to every one *injured*; or else, indeed, it may be one-third of compensation in *the case of* the first slipping for *injury to* every one who comes to grind, and who is *regarded* as a fellow-labourer; and compensation for the second injury; and half-fine with compensation for the third slipping; and full fine with compensation for the fourth slipping. And it (*the slipping*) is always like a first slipping if it (*the mill-stone*) was fixed each time. And if *an accident happens because* the mill-wright left it (*the stone*) badly arranged, it is he that pays all these fines; if, however, it be the too great force of the water, and not the bad arrangement of it *that caused the accident,* it is the mill-owner that pays all these fines.

[a] Ir. *The two mouths.*

Bla etha ithland.

.i. slan don ti do ni in niṫilaind in eṫa, .i. o tairgeba in gnimuġaḋ ocus in suidiugaḋ, ocus o na bia fir forcraid, no aicbeile, na hetallais, ocus o da gentar ina ndenta dligṫeċa iat, na cruaċa, a da trian tis ocus aen trian tuas, is denta diraith.

Mara sunnand do soċair ann, is scenmanna do riagail i leṫ ria, ni sain suidiugaḋ, ocus damad sain suidiugaḋ, is a beiṫ amail cet sceinm.

Ma ta fir forcraid, no aicbeile, no etallais, no mara ina ndenta indligṫeċa ro facbait iat .i. a da trian tuas ocus a trian tis, biṫbinċe do riagail i leṫ riu; aithgin ina cet cinaid, leiṫ dire la aithgin ina cinaid tanaisti, lan dire la aithgin is in tress cin.

In airet beṫar acon gnimugaḋ ocus acon tsuidiugaḋ, slainti esbaid ocus etarbaid and co ndenum a dligiḋ; trian naithgina i naes comgnimraid, in cach to[r]baċ, ocus in caċ ros, ocus taideċt o leṫ dire co trian naithgina.

Bla ċlesamnaig ċles.

.i. slan don ti eamnas na go clis innairdi, no na hubla clis innairdi.

Mara clesa neamaicbeile iat, is fiaċ fiancluiċi indtu i laiṫrind, ocus fiaċ cola cluiċe indtu a seċtar laiṫrind.

Mara clesa aicbeile iat, is fiaċ cola cluiċi indtu, cid a laiṫrind, cid a seċtar laithrind.

Ised is clesa aicbeili ann, cach cles ara mbia rind no faebur.

Ised is clesa nemaicbeile ann, caċ cles ar na bia rind na faebur.

The exemption as regards corn in a haggard.

That is, the person is exempt *from liability* who makes up the corn in the haggard, i.e. when the work has been finished and the *requisite* arrangements *made*, and when there is no knowledge of excess, danger, or defect, and when they, *viz.*, the ricks, has been formed into legitimate structures, *in proportion of* two-thirds of them below and one-third above, it is lawful work.

Should a sheaf fall from it,[a] "slippings" is the rule in respect of it (*the sheaf*) *if* the arrangement be not different, but if the arrangement be different, it (*each new slipping*) is to be as a first slipping.

If there be knowledge of excess, danger, or defect, or if they (*the ricks*) have been left *formed* into unlawful structures, i.e., two-thirds of them above and one-third below, wickedness is the rule in respect of them ; *and there is paid* compensation for the first injury, half 'dire'-fine with compensation for the second injury, *and* full 'dire'-fine with compensation for the third injury.

As long as they (*the workmen*) are engaged at the work and the arrangement, and act legally, they are exempt *from fine* for *injuries to* idlers and unprofitable workers ; *but there is* one-third of compensation for *injury to* fellow-labourers, profitable workers, and animals, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

The exemption as regards a juggler and jugglery.

That is, the person is exempt who multiplies the juggling spears up, or the juggling balls up.

If they be not dangerous juggles, there is a fine of fair-play for *any injuries from* them within the place *of performance*, and a fine of foul-play for any outside of the place *of performance.*

If they be dangerous juggles, there is a fine of foul-play for *injuries from* them whether within or outside of the place *of performance.*

"Dangerous juggles" mean all juggles in which pointed or edged instruments[b] are *used.*

"Not dangerous juggles" mean all juggles in which neither pointed nor edged instruments[b] are *used.*

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[a] Ir. *In it.*

[b] Ir. *Point or edge.*

Ised is laiťrind and, a tuitim ime imacuaird i baile i mbi.

Ised is rečtar laiťrind and a ndul uad imach i ciana.

Bla iarand airlech.

.1. slan don ti beirius in tiarunn dairleč na marti, no[1] na ndaine marb. Slan ce uachnaigit risin iarunn, ačt na tuca ar cloič no ar fiacail he; ocus da tuca, is fiach fon fath.

Bla etargaire imguin.

Slan don fir etrana coitcind an guin ime i richt an airm ocus an etaiǧ can airegud rudra; no islan do a nemguin do lecud doib can calmaču atrana.

Bla tuath tre aǧ.

.1. slan do na tuaťaib laiťi na trí naǧ; aǧ for ečaib, ag for armaib, ag for dainaib, .1. daine sin tancatar re fogail nindlis is in crich, ocus rucsat seotu na criči leo amač; ocus slan cač fogail do gentar aca nastad, ocus ac etarscarad na set riu. Ocus indeiťem astaiťe rucad čucu ann sin, ocus ni caemnas a nastad can a marbad, slan a marbad, ocus slan cač aen muirriter ina richt.

Ma ta coemactu astaiťi [gan a marbaď], is cu trian nurain; islan iat bodein, ocus lan fiač no leť fiač isin ti ro marbad ina richt.

Is and ata lan fiač isin ti ro marbad ina richt intan is a richt in ti ruc na seotu ro marbad he. Is ann ata in leť fiač in tan is a richt in ti ro fer cned ar corp ro marb he.

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[1] *Or the dead persons.*—The MS. here has "no na ndaie." Dr. O'Donovan lengthened out the last word as "daine," persons, so that the meaning would be, "or the *dead* persons."

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" *Within* the place " means that they (*the spears or bells*) fall round about him in the place where he is *performing.*

" Outside of the place " means that they pass out from him to a distance.

The exemption as regards iron in slaughtering.

That is, the person is exempt who brings the iron to cut up the beeves or the dead persons.[1] He is exempt, though he injures the iron, but so as he does not strike it against a stone or a tooth; and if he do, there is a fine according to the nature of the case.

The exemption as regards the interposer in wounding.

That is, the impartial person who interposes is exempt, if he injure the arms or raiment *of those* around him, without intending injury; or he is exempt in not allowing them to injure him if he has not power to separate them.

The exemption as regards a territory in three attacks.

That is, the occasions[a] of three attacks, *viz.*, an attack on account of horses, an attack on account of arms, and an attack on account of persons, are exempt to territories, i.e. persons in this case came into the territory for unlawful plunder, and were carrying off the 'seds' of the territory; and every injury done in stopping them, and in taking the 'seds' from them is justifiable. And the intention brought *by the parties* was to stop them, and *if* they could not be stopped without killing them, they may be killed, and there is exemption as regards everyone killed in mistake for them.[b]

If they could have been stopped without killing them, one-third of the excess *of one fine above the other is paid for killing them; or* it is safe *to kill* themselves, but there is full fine or half-fine for the person killed in mistake for *any of* them.[b]

The full fine lies for a person killed in mistake for *one of* them, when it was in mistake for the person who carried off 'seds' he was killed. The half-fine lies when a person is killed in mistake for[b] one who had inflicted a wound on the body.

[a] Ir. *Days.*

[b] Ir. *In their person.*

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Indeiṫem astaiṫe rucad cuice ann sin, ocus masa indeitheam marbṫa, ce beiṫ cen co be coemaċtu astaiṫi, is co trian nurana; islan iat budein, ocus lan fiaċ isin ti ro marbad ina richt.

In uair denma na fogla sin, ocus masa seċtar uair denma na fogla, cid indeiṫeam marbṫa cid indeithem astaiṫi rucad ċuici, is cu trian nurana. Islan iat budein, ocus lan fiaċ no leiṫfiach isin ti ro marbad ina riċt.

I crich tall sain, ocus masa sectar criċ amuich, aċt ma tait na seoit ar aird amuiċ, amail islan tall he, is amlaid islan amaiċ, fo aicned in indeiṫi rucad ċuici, cid indeiṫem marbṫa, cid indeithem astaithe.

Muna uilid na seoit ar aird amuich itir, tabrad arad ocus troscad; ocus geibid athgabail iartain.

Ma do rinned fogail re hinbleoigain i cinaid cintaig, aċt masa inbleogain isaer ar cinaid ninbleogan he, aċt masa beocned ro ferad air, no masa seoit rucad uad, is coirrdiri a beocneidi, no dire a set, can friṫaiġiḋ, dic ris. Masa marbad, islan co trian, uair is iat in fine ro berad a marbcoirrdiri.

Masa inbleogain nach saer ar cinta in ninbleogain, cid beocned, cid marbad, cid seoit, islan co trian.

Ni huil cintaċ ar aird and sin, ocus ní uil tairsiu dligid; no ma ta cintaċ ar aird, ocus ata tairsiu dligid, cid beocned, cid marbad, cid seoit, cid inbleogain isaer ar cinta ninbleogain, cen co bed, is lan fiaċ a cneidi can friṫaigid dic do inbleoġain and.

The intention brought to him in that case was to stop *them*, but if it were an intention to kill *them*, whether it was possible to stop *them* or not, it is to one-third of the excess *of the one fine above the other the penalty shall extend; or* there is exemption for *killing* themselves, and full fine *payable* for the man killed in mistake for them.[a]

This is at the time of committing the trespass, and if it be not at the time of committing the trespass, whether it is an intention of killing or an intention of restraining that was brought to him, it is to one-third of excess *the penalty shall extend.* There is exemption for *killing* themselves, and there is full fine or half-fine *payable* for the person who was killed in mistake for them.[a]

This *was* in the territory within, and if it be beyond the territory outside, and if the 'seds' be forthcoming outside, as they would be exempt inside, so would they be outside, according to the nature of the intention that was carried thither, whether *it was* intention of killing or intention of restraining.

If the 'seds' be not forthcoming outside, let him give notice and fast; and let him distrain afterwards.

If trespass has been committed against a kinsman for the default of a debtor, and if he be a kinsman who is exempt from the liabilities of a kinsman, and if it be a life-wound that has been inflicted on him, or if it be 'seds' that have been taken from him, body-price for his life-wound, or 'dire'-fine for his 'seds' is to be paid him if he have not given provocation.[b] If he has been killed,[c] he (*the debtor*) is then exempt so far as one-third, for it is the family that would take his death body-price.

If he be a kinsman who is not exempt from the liabilities of a kinsman, whether it be a life-wound, or killing, or *taking away of* 'seds,' there is exemption as far as one-third.

The criminal is not present in this case, and there is no offer of law; or if the criminal be present, and there is offer of law, whether it be a life-wound, or killing, or *taking away of* 'seds,' whether it be a kinsman who is exempt from the liabilities of the kinsman or one who is not, it is full fine for the offence that shall be paid to the kinsman, if he have not given provocation.[b]

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[a] Ir. *In their shape or person.*

[b] Ir. *Without provocation.*

[c] Ir. *If it be killing.*

Bla bancatha ban.

.1. slan do na mnaib in cat̃ banda do niat, a cuicela ocus a cirbolga do tocbail a fiadnaise a fer lesach. Iar narad ocus iar troscad sain, ocus mas re narad ocus re troscad, a fegad ca fat̃ ar a ndernsat. Ac̃t mas ar fat̃ tinċaig̃t̃i fiac̃, is fiac̃ indligt̃id athgabala. Mas ar fat̃ fogla re corp, ac̃t ma ro ḟas fogail do corp de, is lan fiac̃ na fog̃la ro ḟas de dic and; ocus munar ḟas fogail de itir, is fiac̃ imraid, no cumad fiac̃ faicit.

Bla cuaille airbi.

.1. slan don ti said̃es in cuaille is in nairbe iar na bla-ad; ocus munar blaud itir, is bit̃binc̃i do riagail i let̃ ris. Aithgin ina cet cinad, let̃ dire la aithgin ina cinaid tanaisti, lan dire la aithgin isin tres cinaid.

Bla deilge dae.

.1. slan do na feraib an delg do beit̃ for a nae, for a ngualaind; no islan do na mnaib an delg do beit̃ for a nae, for a nuc̃t, ac̃t na roib imarcraid tairis; ocus da raib, is bit̃binc̃e do riagail i let̃ ris. Aithgin ina cet cinaid, let̃ dire la aithgin ina cinaid tanaisti, lan dire la haithgin isin tres cinaid. Slanti essaig̃ ocus etarbaig̃ in cac̃ fog̃ail do genat ica gabail impu.

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[1] *A fine for fighting in a green.*—That is, a fine for fighting in a prohibited place, such as a green or sanctuary.

The exemption as regards women in a woman-battle.

That is, the women are exempt as regards the woman-battle which they fight, raising their distaffs and their comb-bags, in the presence of their guardians. This is after notice and fasting, but if it be before notice and fasting, it is to be considered for what reason they did it. And if it was for the purpose of compelling the payment of debts, there is a fine of unlawful distress *for it.* If it was for the purpose of injuring the body, and if injury to the body resulted therefrom, full fine for the injury which has resulted therefrom is to be paid for it; but if injury has not resulted therefrom at all, it is a fine for intention, or it may be a fine for *fighting in* a green[1] *that shall be paid for it.*

The exemption as regards a stake in a fence.

That is, the person is exempt who sets up the stake in the fence after it has been trimmed;[a] but if it has not been trimmed,[a] wickedness is the rule respecting it. There is compensation for the first injury *it causes* half 'dire'-fine with compensation for the second injury, full 'dire'-fine with compensation for the third injury.

[a] Ir. *Prepared.*

The exemption as regards a brooch on the shoulder.

That is, the men are exempt *from liability,* if they have the brooch on their 'dae,' *i.e.* on their shoulder; or the women are exempt if they have the brooch on their 'dae,' *i.e.* on their bosom, but so as it is not much beyond it; and if it be, wickedness is the rule respecting it. *There is* compensation for the first injury *it inflicts,* half 'dire'-fine with compensation for the second injury, full 'dire'-fine with compensation for the third injury. *There is* exemption as regards idlers and unprofitable workers for every injury done in putting it (*the brooch*) on.

Bla aindir et.

.i. is inann is bla mein mídclais, in ben.

Slan don aindir, don mnai in teit do ní, ac̃t bi ben dligt̃ech, .i. cetmuindter, ocus rop im muig tec̃ta do truidiu .i. corub in inaid dligtig̃ do niad hi sin .i. corab et dligtec̃, et firi, no corab im a fer fein do ne in niada hisin in adaltrach, .i. slan don cetmuindtir a min fogla ocus a mor fogla re re treisi; let̃ fiach uait̃i itir min fogla ocus mor fogla o treisi amach co mís, no co ndec̃ cu fer, ocus lan fiac̃ uait̃i ann sin.

Lan fiach on adaltraig ina mor foglaib fo c̃etoir; slan di a min fogla re re treisi; let̃ fiac̃ uait̃i ina min fogla o treisi imac̃ co mis, no co ndec̃ cu fer, ocus lan fiac̃ uaithe and sin.

Cia ar in slan doibsium sin dfert̃ain? Ar in fer ocus ar in mnai, ocus ar cac̃ nduine ar a roic̃ cin inbleogain dacra do muindtir in fir ocus na mna. Ni uil cintac̃ ar aird, is lan fiac̃ a cneidi can frit̃aig̃id̃ dic re hinbleog̃ain and.

Bean sin na fuil ac fir, ocus do na tucad a dilsi, ocus rias an mís; uair da mbeit̃ ac fir hi, no da tuct̃a a dilsi di, no damad iarr an mis, ropad et indeit̃bire, ocus lan fiach ind.

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[1] *As regards the jealous woman.*—In the MS. E. 3, 5, p. 38, col. 1, a passage is here found which seems altogether misplaced. It is as follows:—

Ocus in cu amail isbaċ, co friṫaiḋe, ma caemnacar etarscarad ria; mana caemnacar imurro, is amail torbaċ co friṫaide im cethruime indti o fiadad na ndam; ocus is amuil eigem essa disi im na fogla do gniat na daim re neċ aile, ma caemnacair etarscarad ria; muna caemnacar imurro is amail eigem indeiṫbiri torba.

And the hound is like an idler who provokes, if it can be separated from; if it cannot, however, it is like a profitable worker who provokes with respect to one-fourth *fine* for it from the master of the oxen; and it is like idle shouting to it

The exemption as regards a woman in jealousy.

That is, *the exemption as regards* the *jealous* woman[1] is the same as "the exemption as regards the gratification of desires."

The woman, i.e. the wife, is exempt from *liability for* the jealous acts she does, provided she is a lawful woman, i.e. a first wife, and provided this *jealousy* is *exhibited* in a proper place, i.e. provided it is in a lawful place she does the act, i.e. provided it be lawful jealousy, i.e. rightful jealousy, or that she does these things to her own husband respecting an 'adaltrach'-woman, i.e. the first wife is exempt as regards her minor offences and her great offences for the space of three days; half-fine *is due* from her for her minor offences and great offences from three days forth to *the end of* a month, or until she goes to *live with another* man, and full fine *is due* from her then.

There is full fine *due* from the 'adaltrach'-woman for her great offences at once; she is exempt as regards her minor offences for the space of three days; half-fine *is due* from her for her minor offences from three days forth to *the end of* a month, or until she goes to *live with another* man, and full fine *is due* from her then.

Who are they upon whom it is lawful for them (*jealous women*) to inflict these *injuries?*[2] Upon the man and upon the woman, and upon everyone among the family of the man and of the woman on whom the liability of being sued as a kinsman rests. The criminal is not forthcoming *in this case, but if so* the full fine for the wound without provocation should be paid to the kinsman in the case.

This is *the case of* a woman who is not *living* with *another* man, and to whom a release *from her engagements* was not given, and it is before *the expiration of* the month; for if she were *living* with *another* man, or if her release had been given to her, or if it were after the month, it would be *a case of* unwarranted jealousy, and *there would be* full fine for it.

with respect to the injuries which the oxen do to another person, if it (*the hound*) can be separated from, but if it cannot, it (*the case*) is like the shouting for unnecessary profit.

[2] *To inflict these injuries.*—O'D. 2009 has here, from the margin of the MS., "ın ꝺıꞇlaċ nınᵹın ocuꞅ ın ꞇımleo leo, the scratching of the nails and the cutting by them."

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O'D. 2010.

Is e a roğa uimscar and sin; ocus da mad he a roğa bit̆ i ndliğed lanamnais, cac̆ islan di re re, islan di he do gres i ndliged̆ lanamnais; cach uair islan di he, ocus coibc̆e ocus eneclann dic ria, [ocus eric a cneide díc ria co comlan]. Cac̆ uair islan he co ruici a let̆, is amlaid̆ islan di he; ocus comardugad itir in let̆ dlegair de ocus in coibche ocus in eneclainn dligis, ocus cid re dib aca mbia in imarcraid. icad re c̆eile.

Cach ní islan disunn re re, islan di he do gres i ndliged̆ lanamnais; cac̆ ní ita eiric uait̆i sund re re, ita eiric uait̆i ann do gres i ndliged̆ lanamnais.

Ised is min fogail and cac̆ uile ní uile no co ria in fuiliugad̆, ocus in fuiliugad̆ budein.

Ised is mor fogail ann cac̆ ní ot̆a sin amach.

Bla each echtres, itir eoc̆u ocus mucca.

.i. slan do na hec̆aib in tres echda do niat eturru budein.

Ocus mucca, .i. itir eoc̆u eturru budein, ocus muca etarru budein, ocus slan doib cid cac̆ dib do ne re cheile.

Bla liac limad, no ruitech.

.i. slan don ti limus in scin risin lic; slan do ce dec̆ in scin tres in lic, no in lic tres in scin; no cia toc̆ra in tessac̆ eturru.

No ruitech, .i. in ní is dec̆ reit̆es uad ocus c̆uici, in crand cam. Scenmanna do riağail i let̆ ris, ní sain suidiugad; ocus da mad sain suidiugad, is a bit̆ amail cet sceinm.

She has her choice then to separate; but if she should choose to remain in the law of marriage, *in* everything as regards which she would be exempt *from liability* for a time, *if not bound by the law of marriage,* she shall be exempt as to it always, *although* in the law of marriage. *This is* whenever she is exempt in respect of it; and 'coib-che'-wedding-gift and honor-price is to be paid to her, and 'eric'-fine for a wound *inflicted by her* is to be paid by her fully. Whenever she is exempt respecting it as far as one-half, she is similarly exempt; and a balance is to be struck between the half that is due from her and the 'coib-che'-wedding-gift and honor-price to which she is entitled, and whichever of them has the excess let him pay *it* to the other.

For everything as regards which she is exempt here for the time *mentioned,* she is exempt always, *though continuing* within the law of marriage; *for* everything in which she is liable to give 'eric'-fine during the time *stated,* she is liable to 'eric'-fine always, *though continuing* within the law of marriage.

"Minor offence" means every kind of injury up to bloodshedding, and bloodshedding itself.

"Great offence" means every injury from that out.

The exemption as regards horses in horse-fights, both horses and pigs.

That is, the horses are exempt as regards the horse-fight they wage among themselves.

And pigs, i.e. between horses among themselves and pigs among themselves; and they are exempt *from liability* for whatever *injury* each of them may do to the other.

The exemption as regards the grinding-stone or the crank in *grinding.*

That is, the person who grinds the knife on the stone is exempt; he is exempt though the knife should injure[b] the stone, or the stone injure[b] the knife; or though the idler should come between them.

Or the crank, i.e. the thing which runs well from him and to him, *viz.*, the crooked stick. "Slippings" is the rule respecting it *if* the fixing was not different; but if the fixing was different, it (*i.e. each fresh accident*) is to be *the same* as a first slipping.

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[b] Ir. *Go through.*

Bla cat cuili.

.i. slan don čat in biad ro geba a faill imcoimeta isin cuilid do čaithem; ačt na tuca a daingen tiǧi no lestair he; ocus da tuca, is amail torbach co narm in biad, ocus amail esbač can arm in cat; ocus slan in cat do marbad and.

Bla cat luchgabail.

O'D. 2012. .i. slan don cat [in tesbach] in lučgabail a ločad; ocus leťriach uaď isin torbač, ocus meračt a ločad do scur in leťe aile de.

Bla cethra dind.

Slan do na cethraib fer na tulač naibind for na fuil
O'D. 2012. tečtugad [do caithem], no ce beiť tečtugad air, ro heiscead he dfir bunaiď. Mara fer for ata tečtugad, ocus nir heisced he dfir bunaiď, is meič no fiač dunacaiťi.

.i. a sonnud ocus a salud, ocus uir min a comaicenta tar a eisi. Etaiǧe fo na rigaib, ocus luachair fo na gradaib oťa sin amač.

O'D. 2012. Fer a roiḋ, [no ġoiḋ].

.i. mara codnach ro tairged isin re compaic a haititin a finečaire, ocus n̄i fuil cin ac in ti ro tairgistar, no ce beiť aici, ro hindis, cid beocned, cid marbcned islan. Ma ta cin aici, ocus nir indis, cid beocned, cid marbcned, is lan fiač in duine i rucad aigid amach he, ačt ma ro

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[1] *A cat in a kitchen.*—The rule about the cat in D'Achery's *Capitula Selecta Canonum Hibernensium* is different: "Hibernenses dicunt, Pilax si quid mali fecerit nocte non reddet dominus ejus; in die vero, nocens reddet," p. 505. O'D. 2012 has some further rules on the subject, which will be given in the appendix.

[2] *Pleasant hills.*—This seems to refer to hills on which meetings in the nature of courts were held, but the article is imperfect in both copies, i.e., in E. 3, 5, and Egerton Plut. 90.

[3] *A fine of sacks.*—That is, a fine consisting of a sack of wheat, a sack of oats,

The exemption as regards a cat in a kitchen.[1]

That is, the cat is exempt *from liability* for eating the food which he finds in the kitchen owing to negligence in taking care of it; but so that it was not taken from the security of a house or vessel; and if it was so taken, *the case as regards* the food is like that of a profitable worker with a weapon, and *the case as regards* the cat is like that of an idler without a weapon; and it is safe to kill the cat in the case.

The exemption as regards a cat in mousing.

That is, the cat is exempt *from liability* for *injuring* an idler in catching mice when mousing; and half-fine *is due* from him for the profitable worker *whom he may injure,* and the excitement of his mousing takes the other half off him.

The exemption as regards cattle on a hill.

That is, the cattle are exempt *from liability* in eating the grass of the pleasant hills,[2] which is not appropriated, or though appropriated, respecting which permission was given by the proprietor. If it be grass which is appropriated, and permission has not been given by the proprietor, there is *a fine of* sacks,[3] or a fine for man-trespass *for it.*

That is, *if it be a hill for meetings, and if it has been cut up,* it is to be beaten down and trampled on, and fine clay of its own nature *to be put on it* afterwards. *And if a meeting is to be held on the hill before the grass has returned to its original state,* clothes *are to be spread* under kings and rushes under the grades from that out (*inferior grades*).

A man *wounded* in the field of battle.[4]

That is, if it be a sensible adult that is drawn into the combat-field with the consent of his family, and *if* there was no crime *charged* upon the person who drew him, or though there were *a charge* he avowed it, whether life-wound or death-wound *ensues,* he is exempt. If there was crime *charged* upon him and he did not avow it, whether life-wound or death-wound, it is the full fine of the person

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and a sack of barley. This appears to have been a common fine among the ancient Irish.

[4] *A man wounded in the field of battle.*—Here, it is said, Cennfaela's part of the treatise begins, the previous part having been considered the work of king Cormac.

THE BOOK OF AICILL. — O'D. 2013. bátur a fine ar aird, mara beocned mara marbcned, is lan. Mana ra batur a fine ar aird, [ac̃t mara beocned̃], is lan; mara marbcned, is fiac̃ bais ecoir.

Cid fodera conad slan don ti i rucad aig̃id and so he o beit a fine ar aird, ocus co fuil fiach bais ecoir on duine tall i bail ata, adbonnar do flait̃, do eclais, do O'D. 2013. forflait̃, ocus do annoit, ocus do mait̃ri [.i. do fine a mathar]? Is se fat̃ fodera, indligtec̃ don duine andraid̃e duine do tidnucul no curo urfocrad doibsein, uair ni fes na biad dib duine damud ail a fuaslucad; ocus coir ce ro beit̃ fiach bais ecoir air, uair na derna a furfocra.

Is e fat̃ ro dera, fuiririud tidnaict̃e dar a indeoin uil ar duine andsain, ocus coir ce no beit̃ fiach bais ecoir on ti ro marbustar he, cen a tairbenad do cac̃ aen bu doic̃ dá uaslucad; no comad on ti ro tidnaicistar he do beit̃. Sunn imurro, cunnrad re codnac̃ do rine in duine and so, ocus da deoin do c̃uaid ind, ocus coir cemad slan don ti ro marbustar he, o beit a fine ar aird.

In tecodnach ro tairgistar isin re comraic a haititin a fine ocus a codnac̃, ocus ni fuil cin ac in ti ro tairgistar, no ce beit̃ aici, ro indis, mara marbad [is slán don tí O'D. 2013. rucustar, ocus is slán don tí i rucustar agaid]; islan, ocus mara beocned, is coirrdire a beocneidi dic ris.

Ma ta cin aice ocus nir indis, no mas a necmais a codnac̃u, cia ro hindis cen cor indis, cid beocned, cid marbcned, is lan fiach.

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[1] '*Annoit*'-church.—Vid. supra, p. 65, note 2.

against whom he has been brought out *he is liable for*, but if his family were present, whether it be life-wound or death-wound, he is exempt. If his family were not present, and if it be a life-wound, it (*the penalty*) is full *fine*; if it be a death-wound, it (*the penalty*) is a fine for unjust killing.

What is the reason that the person against whom one was brought is exempt here when his family are present, and that a fine for unjust killing lies against the man who drew him in the case,[a] where it is *said*: "Let it be proclaimed to the chief, to the church, to the sub-chief, and to the 'annoit'-church,[1] and to the mother's people, i.e., the family of the mother." The reason of it is, it is unlawful for the person here to deliver a person up until he has given notice to these *parties*, for he does not know but that there might be one among them who would like to ransom him; and it is right that there should be a fine for unjust death upon him, because he had not given the notice.

[a] Ir. *Within.*

According to others, the reason of it is, the result of having delivered up *a man* against his will is *charged* upon a person here, and it is right that there should be a fine for unjust death *recoverable* from the person who killed him, without having shown him to everyone who was likely to ransom him; or, it (*the fine*) may be *recovered* from the person who had delivered him up. Now, in this *latter* case, it was an agreement that the person *who delivered him up* had made with a sensible adult, and it was with his own consent he went there (*to the battle*), and it is right that the person who killed him should be exempt, when his family were present.

As to the non-sensible person he has drawn into the combat-field, with the cognizance of his family and his guardians,[b] when the person who drew him is not in fault, or if he is, he avows it, if death *ensues* the drawer is exempt, and the person who came *to fight* against him is exempt; he is exempt, but if it be a life-wound, body-fine for a life-wound shall be paid by him.

[b] Ir. *Sensible adults.*

If he is in fault and did not avow it, or if it was in the absence of his guardians[b] the *occurrence took place*, whether he avowed it or not, whether life-wound or death-wound, it (*the penalty*) is full fine.

THE BOOK OF AICILL. In duine i rucad amach he, aċt ma ro batur a codnaiġ ar aird, is slan; mara beocned, is leṫ coirpoire a beocneide dic ris. Ocus i riċt codnaiġ, ocus da mad a riċt ecodnaiġ ro bad lan coirpdire.

Mas a necmais a codnaċ, cid beocned cid marbcned, is leṫ coirpdíre a beocneidi dic ris; ocus i riċt codnaiġ, ocus da mad a riċt ecodnaig, ro bad lan coirpdire.

Mara codnaċ ro tairged isin caṫ a aititin a fineċaire,
O'D. 2014. ocus ni fuil cin [ac in ti] ro tairgestar, no ce beiṫ cin aici
O'D. 2014. ro indis, [is slan] don ti rucustar he, ocus is slan don ti i rucad agaid; ocus cid beocned cid marbcned, is slan.

Mas a necmais a codnaċ, ocus ni fuil cin ac in ti ro tairgestar, no ce beiṫ aici ro indis, mara beocned is slan, mara marbcned is lan fiach.

Ma ta cin aici, ocus nir indis, cid beocned cid marbcned, is lan fiaċ, ocus is slan don ti i rucad aigiḋ in caċ inad dib sin he.

Cid ro dera cunad slan in ti i rucaḋ aiġiḋ isin cath he, ocus naċ slan don ti i rucad aiġiḋ isin comruc. Is e faṫ fodera, dligtiġe caṫ ina comruc, ocus luga ro fetar fiarfaiġi i caṫ ina comruc. Mara ecodnaċ ro tairged isin caṫ a aititin a codnaċ, ocus ni uil cin ac in ti ro tairgestur, no ce beiṫ aici ro indis, mara marbad is lan, mara beocned, is coirpdire a beocneidi dic ris on ti rucustur he, ocus leṫ coirpdire a beocneide on ti ro gab na agaid. I riċt codnaiġ ro gaburstur imuich ann sin he, ocus dam a riċt ecodnaiġ, ro bad lan fiach on ti rucustar he, ocus is slan don ti i rucad aġaiḋ.

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[1] *Into the battle.*—O'D. 2014 reads "cat coitcenn comairleicti, a general advised battle."

[2] *In the person of.*—That is in mistake for.

The person who brought him out is exempt if his guardians[a] were present; if it is a life-wound, it is half body-fine for his life-wound that is to be paid by him. *So it is* in the person of a sensible adult, and if in the person of a non-sensible adult, it (*the penalty*) would be full body-fine.

If it be in the absence of his guardians,[a] whether it be life-wound or death-wound *that ensues*, half body-fine for the life-wound is to be paid by him; *this is* when *he is* in the person of a sensible adult, but if it were in the person of a non-sensible adult, it (*the penalty*) would be full body-fine.

If it be a sensible adult that was drawn into the battle[1] by the consent of his family, and the person who drew him is not in fault, or though he should be in fault, he avowed it, there is exemption to the person who brought him, and exemption to the person who came against him; and whether it be life-wound or death-wound, he is exempt.

If it be in the absence of his guardians,[a] and the person who drew him was not in fault, or though he was, he avowed it, if it be life-wound he is exempt, if it be death-wound, it is full fine *he pays.*

If he is in fault and he did not tell it, whether it be life-wound or death-wound, it is full fine *he pays*, and there is exemption for the person whom he was brought against in every instance of these.

What is the reason that the person is exempt whom he was brought against in the battle, and that the person whom he was brought against in the combat is not? The reason of it is, a battle is more lawful than a combat, and inquiry could be made less in a battle than in a combat. If it was a non-sensible person that was drawn into the battle by the consent of his guardians,[a] and the person who drew him is not in fault, or though he should be *in fault*, he avowed it, if death *ensues*, he is exempt; if a life-wound, the body-fine of his life-wound is to be paid to him by the person who drew him, and half the body-fine of his life-wound by the person who came against him. In the person of[2] a sensible adult he was taken outside on this occasion, and if it had been in the person of a non-sensible man, it (*the penalty*) would be full fine from the man who had drawn him, and the man whom he came against is exempt.

[a] Ir. *Sensible adults.*

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Mas a necmais a finechaire, cid marbad̃ cid beocned, is lan fiac̃ on ti rucustar he, ocus islan don ti i rucad adaig̃.

Ma ta cin aici, ocus nir indis, no mas a necmais a finechaire, ce ro indis cen cor indis, cid beocned cid marbcned, is lan fiac̃, ocus slan don ti i rucad aig̃id̃ in cac̃ inad dib sin he.

Cac̃ bail is diles in fer comraic uile, is dilius a arm ocus a etach uile. Cac̃ bail is dilius he co ruici a let̃, is diles a arm ocus a etach co rici a let̃. Arm ocus etac̃ in duine budein sin, no arm ocus etac̃ neic̃ aile ar a aititin. Masa arm ocus etac̃ neic̃ aile na ecmais, is fiach foimrime ann. O fine sium dfir bunaid in airm ocus in etaig; ocus fuaslaiced in fine in tarm sin no in tetac̃, no arm ocus etac̃ a comaicinta; act maine tarc̃itar he itir cen a lot, is a diles don fir amaic̃, ocus arm ocus etach a comaicinta dfir bunaid, cuna fiach foimrime.

Ma ro itir in fer amuich cunad arm neich aile, is O'D. 2015. amuil fer medongaiti lanindligthech he. Mani [fi]tir itir, is amuil fer medongaiti landligthech he, ocus slan dosum act na ro gaba ime, ocus ma ro gab, is am̃uil fer medongaiti lanindligthech he.

Is ann at̃a let̃ fiac̃ cac̃ ainfis, in uair ro ḟetfad in marbt̃a cen in tarm no in tetac̃ do milled. Is ann ata cethruime cac̃ ainfis, in uair na fetad in marbad̃ cen in tarm no in tetach do milled.

Cid fo dera corob slan don ti ro gabustar in tecodnach i nagait isin c̃ath coitcenn comairleigt̃i, ocus co nac̃ slan don ti ro gabustar i nag̃aid̃ he isin naimsir comraicc? Is e fat̃ fodera, dligtig̃e cath ina comruc, ocus mo ro soich a iarfaig̃id̃ a comruc na i cat̃, in re codnac̃

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[1] *More lawful.*—O'D. 2014, adds—"ocus linmaire, more fully attended," that is greater numbers are engaged in it.

If it be in the absence of his family, whether death-*wound* or life-wound *ensues*, it (*the penalty*) is full fine from the man who drew him, and the man whom he came against is exempt.

If he was in fault and did not avow it, or if it was in the absence of his family, whether he avowed it or not, whether life-wound or death-wound *ensues*, it is full fine, and the man whom he came against is exempt in each case of these.

Wherever the combatant is altogether lawful spoil, his arms and clothes also are all lawful spoil. Wherever he is lawful spoil as far as one-half, his arms and clothes are also lawful spoil as far as one-half. These are the man's own arms and clothes, or the arms and clothes of another man *taken* with his consent. If they be the arms and clothes of another man *taken* in his absence, it is a fine for the wear *that is due* for them. This is *due* from his family to the owner of the arms and clothes; and the family shall redeem these arms or clothes, or *give* arms and clothes of the same kind; but if they (*the arms and clothes*) have not been preserved uninjured, they are the lawful spoil of the man outside, and arms and clothes of the same kind *are to be given* to the owner, with the fine for wear.

If the man outside knew that they were the arms of another person, he is like a fully unlawful middle-theft man. If he did not know it, he is like a fully lawful middle-theft man, and he is exempt, if he has not put them on, but if he has put them on, he is like a fully unlawful middle-theft man.

It is then there is half-fine for every ignorance, when the killing could have been effected without injuring the arms or the clothes. It is then one-fourth fine *is to be paid* for every ignorance, when the killing could not have been effected without injuring the arms or the clothes.

What is the reason that the man who comes against the non-sensible adult in the general advised battle is exempt, and that the man who comes against him in the time of combat is not exempt? The reason is, a battle is more lawful[1] than a combat, and the inquiry could be more *easily* made in the combat than in the battle, whether it was against a

no in re heccodnac̃ he, no in re dilsec̃ no in re indilsech, no in rabatar a fine ar aird, no na rabatur; ocus coir ce ro beit̃ fiac̃ bais ecoir uair na derna a iarfaig̃id̃.

Cach breithemain a baegul.

O'D. 2015. [.i. ised is leis in mbrethemuin eric in neic ima mbaeg̃laiter he dic .i. éric a gubreite.]

.i. mas tria comraiti rucustar in breithem in gu breth, O'D. 2105. ocus ata ac gabail impi tria comraiti, [no] cid tria anfot rucuscar hi, ma ta ac gabail impe tria comraiti, eneclann uad i nurrudus, no cumal ocus eneclann i cain; ocus dilsi na aile dec in cac̃ inad dibsin.

Mas tria anfot rucustar hi, ocus ata ac gabail impi tria anfot, let̃ eneclann ann i nurradus, no let̃ eneclann ocus let̃ cumal i cain; no dono c̃ena, cuna beit̃ eneclann isin anfot, ocus tria anfot beirius, mana fuil ac gabail impe, slan do ac̃d dilsi na aile dec uad̃a.

Ma tria comraiti atat̃ar ac in elugad, ocus tria comraiti atat̃ar ac lenamain as, no cid tria anfot atathar, mas tria comraiti atathar ac lenmain as, eneclann air, ocus dilsi na aile dec uada.

Mas tria anfot atathar ac in elugad, ocus tria anfot ata ac lenmain as, let̃ eineclann, ocus dilsi na aile dec.

Mas tria anfot atathar ac in eilugad, ocus ni uil ac lenmain as, slan do ac̃t dilsi na haile dec uad̃a.

Cach rig a ramut.

O'D. 2016. [.i. ised is leis in cach is rig̃ eneclann do i nair a roit]. .i. in aenmad rann fichet do rig tuait̃i i nair a prim-

sensible adult or a non-sensible adult it was *fought*, or against a condemned or non-condemned man, or whether his family were present or not; and it is right that a fine for unjust killing should be *recovered from him* because he did not make the inquiry.

Every judge *is punishable* for his neglect.

Viz., the Brehon is to pay 'eric'-fine for that wherein he is impugned, i.e. the 'eric'-fine for his false judgment. That is, if it be through malice the judge passed the false sentence, and is adhering to it through malice, or though he may have passed it through inadvertence, if he is adhering to it through malice, honor-price *is due* from him in 'Urradhus"-law, or *a fine of* a 'cumhal' and honor-price in 'Cain'-law; also the forfeiture of the one-twelfth in each case of these.

If he passed it (*the false sentence*) through inadvertence, and is adhering to it through inadvertence, *there is* half-honor-price *due* for it in 'Urradhus'-law, or half honor-price and *a fine of* half a 'cumhal' in 'Cain'-law; or, indeed, *according to some*, there is no honor-price *due* for inadvertence, and *though* he passed it through inadvertence, unless he is adhering to it, he is exempt *from liability*, but *his fee*, the one-twelfth is forfeited by him.

If it be through malice that he is impeached, and he is adhering to it (*his sentence*) through malice, or though it be through inadvertence he is *impeached*, if it be through malice he is adhering to it, he pays honor-price and *his fee*, the twelfth is forfeited by him.

If it is through inadvertence he is impeached, and *if* he is adhering to it (*his judgment*) through inadvertence, half honor-price *is due from him*, and his twelfth is forfeited.

If it is through inadvertence he is impeached, and *if* he is not adhering to it (*his judgment*) he is exempt, but his twelfth is forfeited by him.

Every king *is entitled to compensation for injury to* his road.

That is, everyone who is a king is entitled to honor-price for injuring his road. That is, the one-and-twentieth part *is due* to the king of a territory for injuring his principal

roit; teora cethramtha na aenmad rainde fichet i nair a forroit. Leth na haenmaid rainde fichit do flaith geilfeine in nair a primroit, da trian na haenmaid raindi fichit do in nair a forroit. Ocus noco ngabar ni dib sin i liubar, act̃ in aenbud rann fichet, act̃ a gabail o na frit̃ib; ocus is as gabair in aenmad rand fichet, atach rig rindad ramud.

Canas a ngabur teora cethruimt̃i na haenmad rainde fichit ata do rig tuait̃i i nair a forroit? Is as gabair o na frit̃ib, uair in frit̃e do gabar ar primroit a da trian do rig tuait̃i, ocus a trian do flait̃ geilfine. In frit̃i do gabar ar forrot is roind ar do eturru. Is e a teora cethruimt̃i in da trian ata do rig tuait̃i do frit̃i a primroit in let̃ ata do do frit̃i a forroit; coir no deiside, uair is in naenmad rann fichit ata do rig tuait̃i, in air a primroit, cemad he teora cethramt̃a na haenmud raindi fichit sin do beit̃ do in air a forroit.

Canas a ngabar let̃ na haenmad raindi fichit ata do flaith geilfine i nair a primroit? Is as gabair o na frithib; uair in frit̃i do gabar ar primrot, a da trian do rig tuait̃i, ocus a trian do flait̃ geilfine; in frit̃i do gabar ar forrot, is roind ar do; in cutruma ata do rig̃ tuait̃i and, is cutruma a let̃e ata do flaith geilfine, uair is cutruma leit̃i as da treinib in trian. Coir no deiside, uair is in noenmud rann fichit ata do rig tuait̃i i nair a primroit, cemad let̃ in noenmud rann fichit sin do beit̃ do flait̃ geilfine i nair a primroit.

Canas a ngabar da trian in noenmud rainde fichet

road; three-fourths of the one-and-twentieth part for injuring his by-road. One-half the one-and-twentieth part *is due* to the 'Geilfine'-chief for injuring his principal road, two-thirds of the one-and-twentieth part to him for injuring his by-road. And nothing of these *regulations* is found in any book, except the one-and-twentieth part; but they are inferred from the *case of* 'waifs'; and the one-and-twentieth part is inferred from 'The demand of a king for the cutting of his roads.'

Whence is it inferred that the three-quarters of the one-and-twentieth part are *due* to the king of a territory for the injury of his by-road? It is inferred from the 'waifs,' for, of the waifs which are found on a principal road *there are* two-thirds *due* to the king of the territory, and one-third to the 'Geilfine'-chief. The waifs that are found on a by-road are to be divided in two between them. The three-fourths of the two-thirds of the waifs of his principal road that are *due* to the king of the territory are *equivalent to* the half of the waifs of his by-road to which he is entitled; *and* from this it is right that as it is the one-and-twentieth part that is *due* to the king of the territory for injuring his principal road, it should be the three-fourths of this one-and-twentieth part he should have for injuring his by-road.

Whence is it inferred that half the one-and-twentieth part is *due* to the 'Geilfine'-chief for the injuring of his principal road? It is inferred from the 'waifs;' for two-thirds of the waifs which are found on a principal road, *are due* to the king of the territory, and one-third thereof to the 'Geilfine'-chief; the waifs which are found on a by-road are divided in two; *and* whatever portion the king of the territory has therein, the 'Geilfine'-chief has one-half of the same, for the one-third is equal to one-half of two-thirds. It is right therefore that as it is the one-and-twentieth part that is *due* to the king of a territory for injuring his principal road, it should be the one-half of that one-and-twentieth part that the 'Geilfine'-chief should get for the injuring of his principal road.

Whence is it inferred that it is the two-thirds of the one-

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ata do flait̄ geilfine i nair a forrait, uair nac̄ indisenn lebar? Is ar gabar, ar a cuitig frit̄e budein ocus rig tuait̄e ar in [for]rot sin; uair in frit̄i do gabar ar primrot, a da trian do rig tuait̄e, ocus a trian do flait̄ geilfine; in frit̄e do gabar ar forrot, [a leth do riḡ tuait̄i ocus a let̄ do flait̄ geilfine .i. seised imforcraid ata do flait̄ geilfine and sin do ṡomaine a frit̄e forrot sech somaine a frithi primroit; coir no deiside, ciamad seised imforcraid̄ no bet̄ do i nair a forroit sech air a primroit; ocus air mbein a c̄ota dfer frit̄e as, is and teit in c̄ombfod̄ail sin air itir na flat̄aib].

O'D. 2018.

Cid fodera conad mo do rig tuait̄i a primroit ina forrot, ocus cona mo do flait̄ geilfeine a forrot ina a primrot?

Is e fat̄ fodera; ruidilsi do rig tuait̄i primrot ina forrot; ocus ruidilsi do flait̄ geilfine forrot ina primrot.

Ocus iar mbreith cotac̄ frit̄i as, is ann ata in cobfodail sin air itir na flait̄ib; ocus a lac̄t ocus a ngnimrad do cait̄em doib sis in re sin, ocus trebuiri o na flait̄ib re fer frit̄i, masa luga ina cuitig rucustar fer frit̄i, ima fuilled daisec do o ra findfaider fer bunaid, ocus trebuiri tar cend fir friti, masa mo na cuitiḡ rucustar, in imarcraid daisec uad o ro findfaidter fear bunaid.

Cach meic a macslabra.

.i. tri meicslabra ait̄fegtar and: macslabra der .i. indeit̄em ro bai aici annsin a tabairt ar corc a der, ocus

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[1] *Shall be found.*—O'D. 2018, adds here: "And it is of the share of the original owner this division was made, and as to what reaches the owner, if it was found

and-twentieth part which are *due* to the 'Geilfine'-chief for injuring his by-road, as no book states it? It is inferred from his own share and *that of* the king of the territory, of the waifs *found* on that by-road; for *of* the waifs found on a principal road, two-thirds are *due* to the king of the territory, and one-third to the 'Geilfine'-chief; *and of* the waifs found on a by-road, the one-half is *due* to the king of the territory and the one-half to the 'Geilfine'-chief, i.e. here the 'Geilfine'-chief has one-sixth more of the profits of the waifs of his by-road than of the profits of the waifs of his principal road; *and* it is right from this that he should have one-sixth more for the injuring of his by-road than for the injuring of his principal road; and after the finder of the waif has deducted his share therefrom, it is then this equal division of it is made between the chiefs.

What is the reason that there is more *due* to the king of the territory for *injuring* his principal road than his by-road, and that there is more due to the 'Geilfine'-chief for injuring his by-road than *for injuring* his principal road?

The reason is; the principal road is more the peculiar property of the king of the territory than the by-road; and the by-road is more the peculiar property of the 'Geilfine'-chief than the principal road.

And after deducting the share of *the finder of* the waif from it, it is then this division of it is made between the chiefs; and they use the milk and the labour of *the stray cattle* during this time, and security *is given* by the chiefs to the finder of the waif, *that* if the finder has got less than a *finder's* share, more should be paid him in case the original owner be found, and security *is given* for the finder, that if he obtained more than a *finder's* share, he shall pay the overplus when the original owner shall be found.[1]

Every son *is entitled to* his son-gift.

There are three kinds of son-gift taken into consideration; a son-gift *in consideration* of tears, i.e. he had an intention then of giving it *to him* to check his tears, and if it was not

on a chief road, it is the same as if it was lost by a king of a territory, and if on a by-road, it is the same as if it was lost by a 'Geilfine'-chief."

mun bud ed, is a beit̃ amuil in macslabra seircsean; ocus mac slabra gaire; ocus mac seirsen. In mac slabra der cain berar cain taithberar, in ní do berar indiu gatair air amairech.

In mac slab̃ra gaire is diles do uile, itir cola [ind] (.i. aithgin), ocus cru (.i. in tindad), ar is ruidles la feine mac slabra dar folaid. Co nachtug̃ad̃ do mac sin loigidacht na gaire, ocus munar act̃aig, is comlog̃ud̃ lanamnais do denum de; noco mo beires do dibad̃ in athar iar necaib in nathar na cach mac dligtec̃ na derna in gaire.

In mac slabra seircsen; is diles in bunad co ruici sect̃ nanmanda don indud, ocus a fegad o t̃a sin amac̃, cuic̃ tir, cuich frichnam; (ocus trian bunaid na sect̃ nanmanda so) ocus anmand ar fichit ro bi and sin. Munab mo nait sect̃ nanmanna, is cetraid comad diles.

Cacha fuich a mac co ndergeltar de.

.i. ised is leisin fuic̃e a mac co ro derbcennaigter de, co ro ictar coirpoire ocus eneclann ris fo aicned urraid̃, no deoraid̃, no muircuirt̃i no dair, ocus lan iarraid fon comut re; ocus aithgin cac̃ neic̃ ro icad ina cinaid dic ris. Ocus ro fes a athair and sin; ocus muna fes, in eiric sair is luga bugabar i liubar dic ina cinaid .i. eiric murcairt̃i sair.

Masa cutrama in lan ro icad dar a cenn ocus in lan ro dlect̃ de, icad in tathair beiris imach he in lan sin risin athair ica raibe tall costarta.

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[1] *A gift in consideration of maintenance.*—This, it would seem, was a portion which the father gave to the son who was to support him in his old age. This son was usually the eldest legitimate son, and it would appear from this article that there was a regular agreement entered into by the father and son for this purpose.

this intention he had, it is to be *considered* as a gift to a son for affection's sake; and a gift *in consideration* of maintenance;[1] and a gift of affection. The gift to a son *in consideration* of tears is given and taken away, *i.e.* what is given to-day is taken away to-morrow.

The gift to a son *in consideration* of maintenance is all due to him, both stock, i.e. restitution, and interest, i.e. the increase, for with the Feini, a gift to a son on conditions *of support* is lawful. *This is so* when the son has made an agreement respecting the price of his maintenance *with the father,* and if he has not made an agreement, it shall be made into an adjustment of 'lanamhnus'-relationship; he shall not obtain more of the father's effects after his death than any *other* legitimate son who did not perform the maintenance.

As regards the gift to a son for affection's sake;[2] the stock is *his* lawful *right* as far as seven animals of the increase, and it is to be considered from this out, what is *due* for land, *and* what for attendance; and these seven animals constitute one-third of the stock which consisted of twenty-one animals. If it be not more than seven animals, the opinion *of some* is that it is *his* lawful right.

Every cuckold *has a right to* his *reputed* son until purchased from him.

That is, to the cuckold belongs his *reputed* son until he is purchased from him *by his real father, i.e.* until there has been paid to him body-price and honor-price according as he is a native freeman, or a stranger, or a foreigner, or a 'daer'-person, and the full price of fosterage for the length of time *he was with him;* the equivalent also of everything which he had paid for his crime shall be paid him *back.* His *real* father is known in this case; but if he be not known, the lowest 'eric'-fine for a freeman that is found in a book is to be paid for his crime, i.e. the 'eric'-fine for a free foreigner.

If the full *fine* which has been paid for him be equal to the full *fine* which he owed, the *real* father who takes him away shall pay that full *fine* to the *reputed* father with whom he has been hitherto.

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[2] *The gift to a son for affection's sake.*—In C. 1228, this is said to be in amount "a 'colpach'-heifer, or a 'samhaise'-heifer, or a milch cow."

Mara cutruma lan in athar rucustur he ocus lán in athar o rucad, icad in tathair rucustar he a lan budein risin nathair o rucaḋ. Mara mo lan in athar o rucad, icad in tathair rucustar amuiġ, ma cuimgid, ocus mana cuimgenn, icad budein a dualgus a seilleḋa; no is a ic don athair a dualgus seanfocail.

Mara luġa in lan ro icad dar a cenn na in lan ro dlecht de, icad in tathair berus imach he digbail laime ris in nathair aca roibe ṫall costrasta, ocus icad budéin in imarcraid ar aġaiḋ imach.

Mara cutruma in taltram tucad air ocus in taltram ro dleċt de, is certiarraid; mara mo anas, is olliarraid; mara luga anas, is ingiarraiġ. Conicsi a breiṫ o caċ fir dfir do gres he, no co tuca fir ndaine daen athair, ocus o do bera fir daine leis do aen athair, nocu cumaic a breiṫ uadasaide no cu tuca fir de leis dathair aile; ocus o do bera fir de leis dathair aile, noco cumaic a breiṫ uadasaidi dfir de, no dfir daine, no co seċt cumala.

Is as gabar a breiṫ o caċ fir dfir do gres .i.

saer bru beiris briṫ
do tabairt cli,
cid do cet colla
cumscaiṫi.

.i. is soer don bru beires in mbriṫ secip colann don cet da cumscaigea in cli sin.

Mara mo lan in athar rucustar, icad in tathair rucustar a lan budein ris in nathair o rucad, ocus icad in imarcraid amach.

If the full *fine* of the father who takes him away be equal to the full *fine* of the *reputed* father from whom he is taken, the father who takes him away shall pay his own full *fine* to the *reputed* father from whom he has been taken. If the full *fine* of the *reputed* father from whom he has been taken be greater, the father who has taken him out shall pay it, if he is able, but if he is not able, *the son* himself shall pay in right of his property; or it shall be paid by the father in right of the 'old promise.'[a]

If the full *fine* that has been paid for him is less than the full *fine* which he owed, the father who takes him out shall pay the *liability for* injury of his hand to the *reputed* father with whom he had been hitherto, and he himself shall pay the excess against him out (*to the other party*).

If the fosterage which was given to him be equal to the fosterage that was due to him, it is a right fosterage-price; if it be more than that, it is over-fosterage-price; if it be less than that, it is under-fosterage-price. He can be taken from man to man always until the evidence of men assign him to one father, and when he has been assigned to one father by the evidence of men, he cannot be taken from him until he be assigned to another father by the test of God; and when he has been assigned to another father by the test of God, he cannot be taken from him by the test of God, or the test of men, until seven 'cumhals' *are paid for him.*

His being brought from man to man in succession is derived from this, i.e.

Free is the womb that brings forth a birth
To produce a body,
Whichever of a hundred persons
Removes it.

i.e. the womb is free which brings forth the offspring whatever person of the hundred it be by whom that offspring is removed.

If the full *fine* of the father who has taken him is greater, let the father who has taken him pay his own full *fine* to the father from whom he has been taken, and let him pay the excess out.

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[a] Ir. *Old word, i.e. proverb.*

Mad sed a deir in fer, cuic̄ in lenum, ar se, lestu, ar si, islan di; uair ised a deir: cach fuich a mac co ndergelltar de. No dono, comad eiric anfocail uaithe and.

Cach athair a cet coibċe.

.1. cet coibc̄e cac̄ ingine dia athair, da trian is in c̄oibc̄i tanaiste, ocus let̄ as in tres coibc̄e, ocus urrannus cac̄a coibc̄e ot̄a sin amac̄ co ria coibc̄e ar fichit. Let̄ coibc̄e cac̄ ingine dia haig̃e fine, trian as in coibc̄e tanaiste, cethrumt̄i as in tres coibc̄e. Ocus is as gabair ar fil ni, cuit, i coibc̄e cacha mna don aigi fine am̄uil fil cuit in art̄aib baitsaide; ocus noca nagabar ni dib sin don aithir cenmot̄a in cet coibc̄e, act̄ a gabail on aig̃i fine.

Canas a ngabar da trian ata don athair as in coibc̄e tanaiste, uair nac̄ indisenn lebar? Is as gabar, on aig̃i fine, uair let̄ ata don aig̃i fine as in cet coibc̄e, ocus trian as in coibc̄e tanaisti, ocus is e da trian in lain. Coir no deiside; uair is uile ata don athair in cet coibc̄i, coir cema da trian do beit̄ do as in coibc̄i tanaisti.

Canas a ngabar in let̄ ata don athair as in tres coibc̄i, uair nac̄ indisenn lebar? Is as gabair, on aig̃i fine; uair let̄ ata don aig̃i fine as in cet coibc̄i, ocus cethruimt̄e as in tres coibc̄e. Coir no deiside; uair is uile ata don aithair in cet c̄oibc̄e, coir cemad let̄ do bet̄ as in tres coibc̄e.

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[1] *Half the first 'coibche'-wedding gift.*—There seems to be something wrong in this statement. If the father got the whole of the first such gift, how could the head of the family get the half?

If what the man says is, 'whose is the child?' says he, and she (*the mother*) says 'thine,' she is safe; for what it (*the law*) says is: 'Every cuckold *shall have* his own son until purchased from him.' Or indeed, it may be that 'eric'-fine for falsehood *is due* from her for it.

Every father *gets* the first 'coibche'-wedding gift.

That is, the first 'coibche'-wedding gift of each daughter, *is due* to her father, two-thirds of the second 'coibche'-wedding gift, and one-half of the third 'coibche'-wedding gift, and a proportionate part of every 'coibche'-wedding gift from that out until it reaches the one-and-twentieth. Half the *first* 'coibche'-wedding gift[1] of every daughter *is due* to the head of her family, one-third of the second 'coibche'-wedding gift, one-fourth of the third 'coibche'-wedding gift. And hence it is inferred that the head of the family has some share of the 'coibche'-wedding gift of each woman, as he has in the 'aptha'-gains of the strumpet; and none of these is obtained *directly* by the father except the first 'coibche'-wedding gift, but he obtains *his shares* from the head of the family.

Whence is it inferred *that* two-thirds are *due* to the father out of the second 'coibche'-wedding gift, as no book states it? It is inferred from the *share of* the head of the family; for the head of the family has one-half out of the first 'coibche'-wedding gift, and one-third out of the second 'coibche'-wedding gift, which is *equivalent to* the two-thirds of the whole. This is right therefore; since the father has the whole of the first 'coibche'-wedding gift, it is right he should have two-thirds out of the second 'coibche'-wedding gift.

Whence is it inferred *that* the half is *due* to the father out of the third 'coibche'-wedding gift, as no book mentions it? It is inferred from *the share of* the head of the family; for the head of the family has one-half out of the first 'coibche'-wedding gift, and one-fourth out of the third 'coibche'-wedding gift. This is right therefore; since the father has the whole of the first 'coibche'-wedding gift, it is right he should have one half out of the third 'coibche' wedding gift.

Cid fodera conac̃ cutruma berait in coibc̃i, ocus conac̃ cutruma do berait in trian tinoil? Is e fat̃ fodera, mo failter in tathair da foirit̃in im bec ocus im mor ina in taig̃i fine, ocus coir cia mad mo no beit̃ do. Ocus noco dlegar disi sin do tabairt no co tucasum in trian tinoil le do c̃um fir; ocus noco dlegar doibsium sin do tabairt di no co tuca si na randa sin don coibc̃e doibsium. Is as gabar; ussandus don aig̃i fine as cac̃ coibc̃i no co ria coibc̃i ar fichit, ocus noco nagabar don athair on tres coibc̃e imac̃, ac̃t a gabail on aig̃i fine. Am̃uil is da cutruma ata do risin naig̃i fine don cet coibc̃e, coir cia ma da cutruma no beit̃ do risin aig̃i fine as cac̃ coibc̃i no co ria coibc̃i ar fichit.

Is ann ata dilsi na rann sin doibsium .i. don athair ocus don aigi fine, in tan is cumscait̃ech co ndeit̃bisi in ben.

Mas tri indeit̃bisius mna do rigned in timscar, am̃ail airciter uait̃isi na randa bu dilis di co mbit̃ di na ndliged, is amlaid sin airciter on athair ocus on aig̃i fine na ranna bu dilius doib.

Mas tre na ndeit̃bisius no tre na nindeit̃bisius mar aen tainic in timscar, in tainmrainde airciter uait̃i do na rannaib bu dilus di co mbit̃ di na dliged, corob e in tainmraindi sin airciter on athair ocus on aig̃e fine do na randaib bu dilis doib.

Cach tobaig a trian.

.i. cethruimt̃i ar tobac̃ i cric̃ i medon, no is in cric̃ isnesa cen gabail mara, ocus ma ta gabal mara, is trian.

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[1] ‘*Tinol’-marriage collection.*—Vid. Vol II., p. 346, note 3.

What is the reason that they do not take of the 'coibche'-wedding gift equally, and that they do not take of the third of the 'tinol'-marriage collection[1] equally? The reason of it is, the father is more expected to relieve her (*the daughter*), in small and in great *matters*, than the head of the family, and it is right that he should have more. And she is not bound to give these *portions of her 'coibche'-wedding gift* until she has taken the one-third of 'tinol'-marriage collection with her to a husband; and they are not obliged to give this to her until she has given these parts of the 'coibche'-wedding gift to them. It is derived from this:—the head of the family has a share out of every 'coibche'-wedding gift as far as twenty-one 'coibche'-wedding gifts, but the father does not obtain any from the third 'coibche'-wedding gift out, but gets *his shares* from the head of the family. As he gets twice as much of the first 'coibche'-wedding gift as the head of the family, it is right that he should have twice as much as the head of the family out of every 'coibche'-wedding gift as far as twenty-one 'coibche'-wedding gifts.

It is then these portions belong to them, i.e. to the father, and to the head of the family, when the woman is lawfully[a] divorced.

[a] Ir. *Of necessity.*

If the separation has taken place through non-necessity *on the part* of the woman, even as the shares due to her when she is in her lawful state will be returned by her, so also shall the shares belonging to the father and the head of the family be returned by them.

If it be through necessity or non-necessity *on the part* of both that the separation took place, the proportion of the shares belonging to her in her lawful state, which shall be returned by her, is the proportion which shall be returned by the father and the head of the family of the shares which would belong to them.

Of every levy its third.

That is, the fourth *is paid* for levying within the territory, or in the nearest territory without *the intervention of* an arm of the sea, but if there be an arm of the sea, it is one-third.

Trian ar tobach ar in trés crich cen gabail mara, ocus ma ta gabal mara, is leṫ. Leṫ ar tobaċ isin cethramaḋ crich cen gabail mara, ocus ma ta gabal, is da trian. Ocus ised is gaḃol mara ann caċ bail na fetar cen luing no cen snam. Da trian ma dar mara moing, uile ma co necne indsaigid. O fir nembersna sin dar na fetar dul cen snam no cen ethar, no cen imcein criċe; ocus da feta, nocu cumscaidset cuitig tobaig ni; bud ecin inscuchad criche do riagail i leith fir.

Cid fodera conach fuil aċt cethruimṫi ar tobach sunn, ocus i bail ata trian do feicheman ar tobach o andod co diles tuas, ocus conad i criċ do fined iat andis? Is e faṫ fodera; breithem do fine in tobach tuas, ocus aile dec tuilles, in cethruimṫi conad trian; ocus nocu breithem do fine sund.

Ma ro cendaig imurro, ar maithe re fer in feoit, in tan is luga ina log do rat air, is cutruma acraid do, ocus log tobaig ar in nimarcraid.

Mas e a cutruma fein do rat da ċind, no ar mo anas, is dilsi a fet do, no co dartar cutruma acraid do da cind; ocus is dilus o neoch a mberait, aċt rann dar muir, aċt in triċatmad rann ar dfir bunaid; ocus is and atait na ranna sin in tan na cumaing fer in feoit a tobach.

Munab ar daigin maithisa ro cennaig, is fiaċ gaiti uad and.

Is eistib ata cuitig tobaiġ, feoit dliges ocus im na damtar dligeḋ do; ocus cuitig tobaig don ti ro toibgestar iat, ro aicned na criċi ar toibged iat. Ocus is eistib ata

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[1] *The billowy sea.*—The word 'mong' usually means the 'mane of a horse.' It refers probably to that state of the waves in which they are poetically described as 'crested.'

One-third *is paid* for levying in the third *nearest* territory, without *the intervention of* an arm of the sea, and if there be an arm of the sea, it is one-half. One-half is paid for levying in the fourth territory without *the intervention of* an arm of the sea, and if there be an arm *of the sea,* it is two-thirds. And an arm of the sea means every place which cannot *be crossed over* without a boat or without swimming. Two-thirds *are paid* if it be over the billowy sea,[1] the whole if it be a forcible incursion. This is when *it is taken* from a man with whom there is not a 'bescna'-compact, and who cannot be approached without swimming, or without a boat, or without a great round by land; but if he could *be otherwise approached,* the levyer's share will not be altered in any way; 'distance of territory' must be the rule respecting it.

What is the reason that there is only one-fourth for levying here, while in a place above *mentioned* an advocate had one-third for levying from beginning to end, and both *levies* were made within the territory? The reason of it is; it was a Brehon that made the levy in the former case,[a] and his fee is one-twelfth, *which with* one-fourth is one-third; and it was not a Brehon that made this *levy.*

If, however, he has purchased for the good of the owner of the 'sed,' when it is less than the value he gave for it, he gets the proportion *due* for his suing, and the expense of levying *is deducted* from the excess.

If it was its own proper value he gave for it, or more than it, the 'sed' shall belong to him until he is paid for his suing for it; and it is forfeited by the person from whom he recovers it, except the part beyond sea, except the thirtieth part of it to the owner; and these divisions are *made* when the owner of the 'sed,' is not himself able to recover it.

If it was not for the purpose of *effecting* good he bought '*the sed,*' fine for theft is *recoverable* from him.

The 'seds' out of which the levyer's share is due are those which are due to him and concerning which his right[b] has not been conceded to him; and the share for levying *is due* to him who has levied them, according to the custom of the territory where they were levied. And the 'seds' out of which

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[a] Ir. *Above.*

[b] Ir. *Law.*

cuitig impidi, seoit na dligenn duine do reir dligid, ocus cinnti no cunntabairt conid ar impide tucad iat; ocus trian ar impidi cinnti ann, no seised ar impide cunntabartač.

Is eistib atait seoit imluaid, seoit ro batur ac duine i ninud aile ocus ro erbustar de dul ar a cenn, no cen cor erbustar is ferrdi leis; seoit imluaid don ti do čuaid ar a cenn fo aicned eladnaig no aneladnaig .i. screpall cač eladnaig, no leitscrepall cač neimeladnaig. Is e airet atait na seoit imluaig co ria cuitig tobaig na criče, ocus noco teit tairis.

Mana epirt dul ar a cenn itir, no muna ferrdi leis, nocu nuil ni don ti do čuaid ar a cenn. Bit na seoit imluaid in inbaid ise fer in treoit a dubairt ris a tabairt leis na seoit tucustar; no is fo aicned in ti ro cuirfed fer bunaid ar a cenn, manab e a dubairt dul ar a cend.

Is eistib ata cuitig friti, seoit do testa o duine, ocus noco nitir cait a fuilet iat. Ocus cuitig friti don ti fuair iat fo aicned coimded no eccoimded.

Leith dire la aithgin.

.i. on midač etechta, ma ro airdbenustar alt no feič cen gabail trebuiri cen urfocra dročleigis; ma do rine nechtar de, is cethruimti diri la aitgin; ma ro gab iat mar aen, islan.

Aithgin on midach tetač ma ro airdbenustar alt no feič cen gabail trebuiri; ocus ma ro gab trebuiri, islan.

Aithgin on midach etečta ma tuidrech fola cen gabail trebuiri, cen urfocra dročleigis; marab iat maraen, islan.

the share of intercession is due are the 'seds' which a person is not entitled to according to law, and it is certain or doubtful that it was for intercession they were given; and there is one-third for certain beseeching, or one-sixth for uncertain beseeching in the case.

The 'seds' out of which driving 'seds' are due are 'seds' which a person had in another place and he ordered him (*another person*) to go for them, or though he did not order, he approves[a] of it; driving 'seds' are due to the person who went for them according as he is a professional or unprofessional person, i.e., a 'screpall' to every professional, or half a 'screpall' to every unprofessional person. The driving 'seds' extend to the levying share of the territory, and do not go beyond it.

[a] Ir. *Prefers.*

If he did not order *him* to go for them at all, or if he did not prefer it (*his going*), there shall be nothing *due* to the person who went for them. The driving 'seds' are *due* when it was the owner of the 'seds' that told him to bring with him the 'seds' which he did bring; or, it is according to the quality of the person whom the owner should have sent for them, if he had not told *the man* to go for them.

That out of which a finder's share is due is the 'seds' which are wanting to a person and he does not know where they are. And the person who found them is entitled to a finder's share according to the nature of *the place where he found it, whether in* a common or *a place* not a common.

Half 'dire'-fine with compensation.

That is, from the unlawful physician if he has removed a joint or a sinew without taking guarantee, without warning of bad curing;[1] if he has done either of these, it (*the penalty*) is one-fourth fine with compensation; if he has done both, he is exempt.

Compensation *is recoverable* from the lawful physician if he has removed a joint or sinew without taking guarantee; and if he has taken guarantee, he is exempt.

The unlawful physician shall make compensation for his blood-'letting' without taking guarantee, without warning of bad curing; if he has *done* both, he is exempt.

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[1] *Without taking guarantee, without warning of bad curing.* That is, getting an indemnity against liability to damages; and with notice that he was not a regular physician.

Slan don midach techta a tuidrech fola cen gabail trebuiri ocus urfocra droċleiġis. Dlegar don mídach etechta gabail treabuiri nama. Is and ata sin in inbaid na raibi cned for a cind i corp, no cia ro bi, ro tuillistar sum cned imarcraid and, ma foclaid liaig coitcenn co fetfaidea a leigis ni bu dligṫeċu. Ma ro batur cneda ar a cind i curp, ocus nir tuillistar sum iat, ocus foclaiḋ liaiġ coitcenn cuna fetfaid a leiges ni bu dligṫeċu, slán iatsum and.

Caite gell coibeis colla?

O'D. 707. [.i. caide aiṫne in langille isin? Coiḃeis collaḋ na fiach.]

.i. Na ceithri lan gilli, ocus na ceiṫri leiṫ gilli, ocus na ceiṫri trian gille, ocus na ceiṫri smaċt gille.

Na ceiṫri lan gille .i. lan gille sirin nesum toirсida iar mbreithemnus i nurradus; lan gille ar dindba no ar deoraid; lan·gille re aires in fir uiṫir i slanti iar ni foilge; ocus lan gille ar in nomad lo don filed; ocus nomad ar deċmaid iseic.

Na ceiṫri leiṫ gille; leṫ gille sirin neimnesum iar mbreithemnas in nurradus; leṫ gille iar mbreiṫemnus i cain adamnain, cid re nesum cid re nemnesum; leṫ gille O'D. 708. sirin ní teit i lobad don [aṫgabail] bruigrechta i cain patruic, cid re nesum cid re nemnesam; leṫ gille fria O'D. 709. [loingṫe] liṫ don filid.

Na ceiṫri trian gille; trian gille sirin nesam toirside urradais i nurradais, i nurruiġell; trian gille iar mbreithemnus i cain patraic, cid re nesum cid re nemnesum; trian gille ar seis[eḋ] don filid; ocus trian gille i nurruigell i cain adomnain, cid re nesum cid re nemnesum.

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[1] *For restoring the sick man to health.* This seems to apply to the case of a man that has wounded another, whom he was obliged to take to his own house to be cured. He was entitled, it would appear, to take from the invalid's friends a pledge that they would take him back if pronounced incurable.

[2] *To the poet.* That is, a pledge that his claim would be paid on the ninth day after judgment had been given in his favour; otherwise, the pledge would be forfeited on the tenth day.

The lawful physician is exempt for blood-letting without taking guarantee, or *giving* warning of bad curing. The unlawful physician is bound to take guarentee only. This is the case where there was no wound upon the body before him, (or when though there was, he increased the wound too much), if an impartial physician declares that it could have been cured more lawfully. If there were wounds on the body before him, and if he did not increase them, and an impartial physician declares they could not have been cured more lawfully, he is exempt as regards them.

What is the pledge proportionate to the subject-matter[a] in dispute?

[a] Ir. *Body*

That is, how is the full pledge known at all? The proportion to the principal *claimed as* debts.

That is, the four full pledges, and the four half pledges, and the four one-third pledges, and the four 'smacht'-pledges.

The four full pledges *are these;* viz., full pledge for an article of necessity after judgment in 'urradhus'-law; full pledge for a pauper or a stranger; full pledge for restoring the sick man to health[1] after having been *pronounced* incurable; and full pledge on the ninth day to the poet[2]; and this is a ninth for a tenth.

The four half pledges *are:* half pledge for an article not of necessity after judgment in 'urradhus'-law; half pledge after judgment in the 'cain'-law of Adamnan, whether for an article of necessity, or not of necessity; half pledge for the part that is forfeited of the distress[3] of farm law in the 'cain'-law of Patrick, whether for an article of necessity, or one not of necessity; half pledge for festival entertainment[4] to a poet.

The four one-third pledges *are*:—one-third pledge for an article of necessity of 'urradhas'-law in 'urradhus'-law, in arbitration; one-third pledge after judgment in the 'cain'-law of Patrick, whether for an article of necessity or one not of necessity; one-third pledge for a sixth to the poet; and one-third pledge in arbitration in the 'cain'-law of Adamnan, whether for an article of necessity or for one not of necessity.

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[3] *Of the distress.* For "aṫgabaıl, distress," O'D. 1,456, reads "aıthgın, restitution."

[4] *Festival entertainment.* For "loıngṫe" which is the reading approved of by Dr. O'Donovan, O'D. 1456, has "loıḡ."

Na ceiťri smačt gille; smačt gille rečtmaid do scur troisci feich nesaim toiscide urradais i nurfuigell ocus smačt gille rečtmaid i nuirfuigell i cain patraic, cid re neasum cid re neimnesum; smačt gille rečtmaid do scur troisci i cain adomnain, cid re nesum cid re neimnesum; smacht gille rečtmaid ar treis don filid; smačt gille rečtmaid do scur troisci feich nesaim toiscide urradais. Fuilleď sin smacht gille rečtmaid co roib lan gille iar mbreithemnas.

In cethrumad rand dec do scur troisci feich neimneasaim urradaiss, fuilleď sin cethrumaď rann dec corub trian gille i nurfuigell. Fuilleď sin seised gille i nurfuigell curub leiť gille iar mbreithemnus. Smacht gille eicindteč do scur troisci i cain patraic, fuilleď sin smacht gille eicindtech co roib smačt gille rečtmaid i nurfuigell, co roib trian gille iar mbreithemnus; smacht gille rečtmaid do scur troisci i cain patraic, fuilleď sin smacht gille rečtmaid co roib trian gille i nurfuigell; fuilleď sin trian gille i nurfuigell co roib lan gille iar mbreithemnus.

Tairgille ar na gellaib re re nanta co na toračtain budein a forba anta i nurfuigell, ocus in lan fuigill re re diťma, ocus feich i forba diťma. Ce do roised in gell i forba anta, mana toirset na feich a forba diťma, is eiric elaide, no comad aradu athgabala ar in ngell. Foigelltad ocus bleith ocus lobad do dul ina cenn. No

The four 'smacht'-pledges *are* :— a 'smacht'-pledge of one-seventh to stop fasting for debt *in the case of* an article of necessity in 'urradhus'-law in arbitration; and a 'smacht'-pledge of one-seventh in arbitration, in the 'cain'-law of Patrick, whether for an article of necessity or for one not of necessity; a 'smacht'-pledge of one-seventh to stop fasting in the 'cain'-law of Adamnan, whether for an article of necessity or for one not of necessity; a 'smacht'-pledge of a seventh in addition to a third to the poet; a 'smacht'-pledge of a seventh to stop fasting for debt *in case* of an article of necessity in 'urradhus'-law. Addition *is* to be made to the 'smacht'-pledge of a seventh until there shall be full pledge after judgment.

As to the fourteenth portion to stop fasting for debt *in case* of an article not of necessity in 'urradhus'-law, the fourteenth portion shall be added to until it is *made up to* a one-third pledge in arbitration. The one-sixth pledge in arbitration shall be added to it until it is *made up to* a half pledge after judgment. *As regards* uncertain 'smacht'-pledge to stop fasting in the 'cain'-law of Patrick, the uncertain 'smacht'-pledge shall be added to until it is a 'smacht'-pledge of one-seventh in arbitration, *and* until it is a one-third pledge after judgment; *as to* a 'smacht'-pledge of one-seventh to stop fasting in the 'cain'-law of Patrick, the 'smacht'-pledge of a seventh may be added to until it is a one-third pledge in arbitration; the one-third pledge in arbitration may be added to until it is a full pledge after judgment.

An additional pledge shall be given with the pledges during the period of stay, until their own forthcoming at the end of the stay in arbitration, and the full award during the period of delay in pound, and the debts at the expiration of the delay in pound. Though the pledge be forthcoming at the end of the stay, unless the amount due be forthcoming at the expiration of the delay in pound, there is 'eric'-fine for absconding *due*, or *according to others* the principles *applicable in the case* of distress, apply to[a] the pledge. Expense of tending and of feeding and forfeiture shall be added to them. Or, *according to others*, a pledge is

[a] Ir. *On*.

dono ċena, cona bu dilus gell do gres no co troiscea, mad uasluċaḋ no ma dilsiugad.

Uidi anta is e uidi gellta; uide gellta is uide diṫma; uide diṫma is e uide icṫa fiaċ. Uide anta in re iarsa mbi in athgabail ar anad ar ud i laim cintaig. Tairgille ar na gellaib risin re sin. Uidi gellta is e uide diṫma
O'D. 709. [.i.] in re iarsa nditchmaiter; foigeltad ocus bleit i cenn na hathgabala risin re sin. Is coir gell do tabairt ris na fiaċaib.

Uide diṫma is e uide fiaċ; in re iarsa teit tuitim lobad a cenn na athgabala, curub risin re sin do berar
O'D. 709, 708. feich tar a cenn [in gill]. [Feich sin fuilit for dil ocus sena, ocus ima nad éigin] a dall tige breitheman; ocus mana beitis, ro bud lan gille no leṫ gille do riṫ riu fo aicned nesaim no neimnesaim .i. lan gille risin nesam, no leithgille risin neimnesam.

Caite fochraic?[1]

.i. trian ris na beodilib for trebuiri eċtrann co cenn mbliadna, ocus seised for trebuiri budein. Cethruimṫe ris na mairbdilib for trebuiri eċtrand co cenn mbliaḋna, ocus ochtmad for a trebuiri budein. Ocus ised is trebuiri budein ann, trebuiri in fir o mberar na seoit, no trebuiri neich aile eturru. Ocus ised is trebuire eċtrann and, trebuiri in ti berus, no trebuire aile dar a cenn. Ocus duine naċ cuma eirirt ocus aicde in duine amaiċ ann sin; ocus dama duine bud cuma erirt ocus aicde, ocus is cutruma ro biad leo for trebuiri eċtrand ocus for a trebuiri budein. Ocus beodile no mairbdile ac na fuil

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[1] *What is hire?* On the margin of the MS., H. 3–17, O'D. 775, opposite these words is written "eidge." The article seems to relate to land let out for grazing only.

[2] *One's own security.* The commentary here is unintelligible; it appears to be made up of different glosses mixed together. In O'D. 775, the definitions of "one's

never due until the fasting takes place, whether it be redemption or forfeiture.

The period of stay is the period for pledging; the period for pledging is the period of delay in pound; the period of delay in pound is the period for paying the debts. The period of stay *is* the period during which the distress remains for a while in the hands of the debtor. This is the time during which addition should be *made* to pledges. The time of pledging is the time of delay in pound, i.e. the time in which payment is made; expense of tending and feeding *is added* to the distress for that time. It is right to give a pledge for the debts.

The period of delay in pound is the time for *paying* debts;—the time when forfeiture is added to distress,—and it is in that time that cross claims are brought in by way of set off[a] against the pledge. These are debts which are disputed and denied, and about which it is necessary to resort to the house of the judge; and if they are not *such*, a full pledge or half pledge should run with them according to their nature of necessary or non-necessary articles, i.e. full pledge for the necessary article, or half pledge for the non-necessary article.

[a] Ir. *Instead of.*

What is hire?[1]

That is, a third for the live-chattels upon the security of strangers to the end of a year, and one-sixth *when* upon one's own security. One-fourth for the dead chattels upon the security of strangers to the end of a year, and one-eighth *when* upon one's own security. And one's own security[2] means the security of the man from whom the 'seds' are obtained, or the security of another man for him.[b] And the security of a stranger means the security of a person who obtains them (*the* '*seds*'), or the security of another person for him[b]. And the 'person out-side' in this case, is a person whose words and acts do not correspond; but if he were a person whose words and acts did correspond, there would be equal *hire* for them upon the security of strangers and upon his own security. And these are live

[b] Ir. *Between them.*

own security," and "extern security" are just the reverse of those here given. Both copies are corrupt or defective.

indlos na inforbairt sin, ocus da mbeit̃ inforbairt no indlos, robad fuilled an inforbarta leo, no a nindlos budein.

Cid fodera conad mo in fuilled ata leo for trebuiri ec̃trand na for a trebuiri budein? Ise fat̃ fodera; ruidilsi dona setaib in ni ingenes uait̃ib budein iná in fuilled do biad leo do setaib ec̃trand.

Caite aithe? .i. log meich.

.i. caiti in aithe cumaine do berar lais na ceit̃ri miac̃aib .i. miac̃ .i. cethruimt̃i so lais na mairbdilib ec̃trann co cenn mbliad̃na.

Caiti deit̃bir etarru so ocus in baile i narair: dia testa miac̃ no a log, a let̃ no trian ind? Cutrumus cethruimt̃i a rat̃a tucad̃ don boairig̃ medonach andside is saerath .i. i bail ata: dia testa miach no log, a let̃ no trian .i. curab ed bes ind. Cethruimthi rat̃a in boairec̃ medonaig̃ tucad̃ don ocairig medonach. Oct scripaill dec eiseic, a lan log̃ ec̃ec̃ sum iar neisindricus leit̃i do; ocus a trian said̃e do cac̃a bliadain re freiscisin imscair, re scripaill. Da screapall dib ar carna mairt, screpall ar tinde muici, screpall ar muic uir, a teora cethruimt̃i ar muic uir, ocus a cethruimt̃i ar cruit̃nec̃t, ocus da screpall ar da miachaib brac̃a. Ro dilad uile sin, cenmot̃a aen miach brac̃a, ocus elod ro leiced iman dara miac̃ brac̃a dib, ocus diablad iar nelod̃ so. Cutruma leit̃i isin da miachaib aithgina in miach diabulta, no trian cona tabairt ris; cona de sin, dia testa miac̃ no log̃, a let̃ no trian ind.

Sic.

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[1] *The fine for it.* It is probable that the case, so obscurely and confusedly stated here, is when the tenant had not received the full stock from the landlord, and therefore the fine for non-payment of the rent, was not so heavy as it would otherwise have been. In O'D., 1008, it is said that when a tenant failed in paying any part of his rent, he

chattels or dead chattels which have no produce or increase, but should they have increase or produce, additional *hire* for the increase should be given with them, or their own produce *returned.*

What is the reason that the interest given for them on the security of strangers is more than *that given* on one's own security? The reason is; it is more lawful as regards the 'seds' that what springs from themselves *should be restored* than the addition which would be *made* to them of the 'seds' of strangers.

What is pay? i.e. the price of a sack.

That is, what is the complementary pay that is given with the four sacks? i.e. this *is* a sack i.e. of one quarter *that is given* with the dead chattels of strangers to the end of a year.

What is the difference between this and where it is said; "If a sack or its value be wanting, its half or its third *is the fine* for it?" A proportion equal to one-fourth of his stock had been given to the middle 'bo-aire'-chief in this case, in 'saer'-stock tenure, i.e. where it is *said,* "If a sack or its value be wanting, its half or its third, i.e. shall be *the fine* for it." The fourth of the stock of the middle 'bo-aire'-chief had been given to the middle 'og-aire'-chief. *The amount in* this *case* is eighteen screpalls, his own full honor-price when he is half unworthy; and the third of this, *namely,* six 'screpalls,' *is given* to him every year during the expectation of separation. Of these, two 'screpalls' are for the beef of a cow, a 'screpall' for the bacon of a pig, a 'screpall' for an unsalted pig, its three-fourths for an unsalted pig, and one-fourth for wheat, and two screpalls for two sacks of malt. *Supposing* all these were paid, except one sack of malt, and that *the payment of* the second sack of malt was evaded, and for this evasion there is double. The sack of double is equal to half the two sacks of restitution, or a third when it is added to; hence is *derived the rule,* "If a sack or its value be wanting, its half or its third is *the fine* for it."[1]

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was liable to a penalty equal in amount to three times the value of that part wherein he failed, besides a fine for breaking the law.

Caite dail? Ni adgelltar.

.1. in lech ingellus neaċ dul, ocus muna deċ, biaid smaċt urcraidi dala uad, .1. uingi declasdacda, ocus leṫ nuingi do tuata. Mada ndech, noco nuil smaċt urcraidi dala uad.

Caite cuindliged itir finib?

.1. mara geilfine do dibastur ann, teora cethramṫana dibaid geilfine do deirbfine, cethruimṫi diarfine ocus dindfine, teora cethramṫana na cethramṫana diarfine, ocus a cethramthu dindfine.

Mara deirbfine ro dibastur ann, teora cethramṫana do dibad deirbfine do geilfine, a cethruime diarfine ocus dindfine, teora cethramṫana na cethramṫana diarfine, ocus a cethramthu dindfine.

Mar i in iarfine ro dibad ann, teora cethruimṫi do dibad iarfine do deirbfine, a ceṫramad do geilfine ocus dindfine, teora cethramna na cethruime do geilfine, ocus a cethruime dindfine.

Mar i indfine ro dibad and, teora cethruimṫi do dibaḋ indfine diarfine, a cethramṫu do geilfine ocus do deirbfine, teora cethruimṫi na cethruimṫi do deirbfine, ocus a cethramṫu do geilfine.

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[1] *Failure of meeting.*—This means a court or legal meeting. The fine for non-attendance was a cow. *Vid.* O'D. 1694.

[2] *The 'geilfine'-division.* In O'D. 738, it is said that the 'geilfine' consisted of five persons, and each of the other three 'fines' or divisions, of four persons, making in all seventeen persons. It is also said that the 'geilfine' is the youngest and the 'innfine' the oldest of these four divisions; that if a person be born into

What is a meeting? What is promised.

That is, when a person promises to go, and unless he does go, a 'smacht'-fine for failure of meeting[1] *shall be recovered* from him, i.e. an ounce to an ecclesiastic, and half an ounce to a layman. If he goes, there is no 'smacht'-fine for failure of meeting *due* from him.

What is the reciprocal right among families?

That is, if it be the 'geilfine'-division[2] that has become extinct, three-fourths of the property of the 'geilfine'-division *shall go* to the 'deirbhfine'-division, *and* the *remaining* one-fourth to the 'iarfine'-division, and to the 'indfine'-division, *i.e.* three-fourths of the fourth to the 'iarfine'-division, and one-fourth of it to the 'indfine'-division.

If it be the 'deirbhfine'-division that has become extinct, three-fourths of the property of the 'deirbhfine'-division *shall go* to the 'geilfine'-division, one-fourth to the 'iarfine'-division and the 'indfine'-division, *i.e.* three-fourths of the fourth to the 'iarfine'-division, and a fourth of it to the 'indfine'-division.

If it be the 'iarfine'-division that has become extinct, three-fourths of the property of the 'iarfine'-division *shall go* to the 'deirbhfine'-division, one-fourth of it to the 'geilfine'-division and 'indfine'-division, *i.e.* three-fourths of the fourth to the 'geilfine'-division, and one-fourth of it to the 'indfine'-division.

If it be the 'indfine'-division that has become extinct, three-fourths of the property of the 'indfine'-division *shall go* to the 'iarfine'-division, *and* one-fourth of it to the 'geilfine'-division and the 'deirbh'-division, *viz.*, three-fourths of the fourth to the 'deirbhfine'-division, and one-fourth of it to the 'geilfine'-division.

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the 'geilfine,' so as to make it exceed five persons, this causes one of them to be sent up into the 'deirbhfine'; and in the same manner a man shall pass from one 'fine' of them up into a higher, as far as the 'innfine,' which shall send out a man into the 'duthaig ndaìne,' i.e. the community. Hence it seems that these 'fines' were artificial divisions of a family made for law purposes.

Mar i geilfine ocus deirbfine ro dibad ann, teora cethraimt̃i a ndibaid mar aen diarfine, ocus a cethruimt̃i dindfine.

Mar i indfine ocus iarfine ro dibartur and, teora cethruimt̃i a ndibad do deirbfine, a cethruimt̃i do geilfine.

Mar i deirbfine ocus iarfine ro dibartur ann, teora cethruimt̃i a ndibaid mar aen do geilfine, a cethramt̃u dindfine.

Mar i geilfine ocus indfine ro dibartur and, teora cethruimṫi do dibad geilfine do deirbfine, ocus a cethruimt̃i diarfine; teora cethruimṫi do dibad indfine diarfine, ocus a cethruimṫi do deirbfine. Ocus ata comlin na sect̃ fer ndéc ar ud andsin, ocus muna beit̃,
O'D. 737. noco biad [compoind], act̃ in ti bud nesa da breith.

Indfine uile ro dibad̃ and sin, ocus da mbeit̃ aen duine dib ina tairse, ro berad in inbaid na comraindfitis he na teora fine eturru; ocus mana mairenn, is a comraind.

Ma mairid in tathair, ocus atait da mac aice, ocus
O'D. 738. ata comlín fine [cach mac dib], [.i. cet̃rar], is cetfaid
& C. 412. O'D. 738. co ngebad [in tathair] greim fir in cach fine [dib, ocus
comad] da geilfine iat and. Ocus ma tainic in dibad a
O'D. 738. hinad aile, [ar amus na fine] imuic̃, ce ra beit̃ a mac no a brathair in ti is a dibad tainic ann is in fine tall ar a c̃ind, noco mo berus he na cac̃ fer don fine.

Geilfine isi is so, indfine isi isine.

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[1] *Are then forthcoming.* This seems to mean that the four classes should be made up again out of the family, if it were sufficiently numerous for the purpose; and if this could not be done, there was to be no partition.

If it be the 'geilfine'-division and the 'deirbhfine'-division that have become extinct, three-fourths of the property of both *shall go* to the 'iarfine'-division, and one-fourth to the 'indfine'-division.

If it be the 'indfine'-division and the 'iarfine'-division that have become extinct, three-fourths of their property *shall go* to the 'deirbhfine'-division, *and* one-fourth of it to the 'geilfine'-division.

If it be the 'deirbhfine'-division and the 'iarfine'-division that have become extinct, three-fourths of the property of both *shall go* to the 'geilfine'-division, *and* the one-fourth to the 'indfine'-division.

If it be the 'geilfine'-division and the 'indfine'-division that have become extinct, three-fourths of the property of the 'geilfine'-division *shall go* to the 'deirbhfine'-division, and one-fourth of it to the 'iarfine'-division; three-fourths of the property of the 'indfine'-division *goes* to the 'iarfine'-division, and a fourth to the 'deirbhfine'-division. And the whole number of the seventeen men are then forthcoming,[1] and if they be not, there shall be no partition, but the nearest *of kin* shall take it (*the property*).

All the 'indfine'-division had become extinct in this case, but if any one of them had been in existence, he would take it (*the property*) when the *other* three divisions should not share it between them; but if he is not living, it is to be shared (*among the other divisions*).

If the father is alive and has two sons, and each of these sons has a family of the full number, *i.e.* four, it is the opinion *of lawyers* that the father would claim a man's share in every family of them, and that in this case they form[a] two 'geilfine'-divisions. And if the property has come from another place, from a family outside, though there should be within in the family a son or a brother of the person whose property came into it, he shall not obtain it any more than any *other* man of the family.

The 'geilfine'-division is the youngest, the 'indfine'-division is the oldest.

[a] Ir. *Are.*

THE BOOK OF AICILL.

O'D. 738.

Ma táinic nech [dimarcraid̃] anis a geilfine, is fer do dul eisti suas i ndeirbfine, ocus fer do dul as cac̃ fine ina ceile no co ria indfine, ocus fer do dul eisti seic i nduc̃aig̃ [ndaine].

Caiti seoit turclaide?

.i. lan log einech ar airitin in daerrait̃, ocus rath am̃uil folo, lan rath ocus let̃ rath, ocus da trian ratha do berait na tri flait̃i daerraith da c̃eile. Lan log enech, ocus trian log enec̃, ocus nomad loigi enec̃ uaithib ar airitin. Lan eneclann ocus let̃ eneclann ocus trian neineclainni doib i meth a mbid. Lan smac̃t ocus let̃ smac̃t ocus cethruimt̃i smac̃ta doib ina fuilled sin. Lan eneclann, ocus let̃ eneclann, ocus trian neineclainni doib i fog̃ail lain do denum riu ris na daeraib, na teora sec̃tmad neneclainni doib i fog̃ail lain no denum ris na saeraib, no a mac a daerc̃eile; ocus noco nuil ni do a mac a saerc̃eili; no da mbeit̃, comad sec̃tmad in sec̃tmaid. Ocus noco nuil forgiallna, na cuitrid a saerraethaib.

Caiti tomus o grainib ocus uiġib?

.i. trig raindi i norlach, ceit̃ri orlaig̃i i mbais, teora basa i troig̃id, da troigid dec i fertaig, da fertaig̃ dec i forraig̃, da forraig dec i tir cumaile dia fot, se foirrge dia let̃et, ma beit̃ ina toimsib techtaib.

Da lan dec uig̃i circi a meissrin, da meissrin dec i nolldeirb, da oilldeirb dec i noilmedac̃, no i nolpatraic, da

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[1] *The three chiefs*—Vid. "Cain Aigellue."—*Senchus Mor*. Vol. ii.

If one person has come up into the 'geilfine'-division, so as to make it excessive[a] (*i.e. more than five persons*), a man must go out of it up into the 'deirbhfine'-division, and a man is to pass from one division into the other up as far as the 'indfine'-division, and a man is to pass from that into the community.

What are the returnable 'seds'?

That is, full honor-price on receipt of the 'daer'-stock, and the stock is like the property, full stock, and half stock and two-thirds of stock are given by the three chiefs[1] 'of daer'-stock tenancy to their tenants. Full honor-price, and one-third of honor-price, and one-ninth of honor-price *are obtained* from them (*the tenants*) on receipt *of the stock.* Full honor-price, and half honor-price, and one-third of honor-price *are paid as fines* to them (*the chiefs*) for failure of their food-*rent.* Full 'smacht'-fine, and half 'smacht'-fine, and one-fourth 'smacht'-fine *are paid* to them as an addition to it (*their food-rent*). Full honor-price, and half honor-price, and one-third honor-price *are due* to them for full trespass done to them in *the persons of* their 'daer'-stock tenants, the three-sevenths of honor-price *are due* to them for full trespass done to *them in the persons of* their 'saer'-stock tenants, or for the son of a 'daer'-stock tenant; but he (*the chief*) shall have nothing for the son of his 'saer'-stock tenant; or if he has, it shall be the seventh of one-seventh. And there is no chief of second claim, or chief of third claim in 'saer'-stock tenancy.

What is the measurement by grains and eggs?

That is, three grains *are* in an inch, four inches in a palm, three palms in a foot, twelve feet in a rod, twelve rods in a 'forrach'-measure, twelve 'forrach'-measures in a 'tircumhaile'-space in length, six 'forrach'-measures in its breadth, if it be of its lawful dimensions.

Twelve times the full of a hen-egg *is* in a 'meisrin'-measure, twelve 'measrin'-measures in an 'ollderbh'-measure, twelve 'ollderbh'-measures in an 'oilmedhach'-measure, or in an

[a] Ir. *Of excess.*

ol feine. Cethrar ar fichit do cleirc̆ib imme, ocus da fer dec do tuathaib. Cutruma bid doib, ocus diablad lenna do na tuataib, ar na rabat na cleiriğ ar meisci, ocus ar na milla a trat̆a umpu.

C. 1830.

[Conmeser a ngnima ocus a fiacha] as a linaib, as a selbaib, [ocus as a naosa a cutruma].

.i. mara cunntabairt in uat̆aib no nac̆a uat̆aib do rined in marbad, noco nuil aithgin dic ann; ac̆t ma comroğa leo mar aen, ocus cid be dib risi roğa in crannc̆ur, ised bias do. Ocus is amlaid̆ do nit̆er in crandc̆ur: tri craind do c̆ur ind, crann cintaiği, ocus crand slantiği, ocus crand na trinnoiti na diaid. Is lor da fiac̆uğad̆ no da slaintiuğad̆. Mas e crand na trinoiti tainic as, a c̆ur cac̆ nuaire no co ti crann aile as.

Mara cindti conad uat̆ib do rined in marbad, is aithgin dic and. Maith doib mar aen sin. Mait̆ don fir amuic̆, mana itir nach mil bec cetcintac̆ ro foğail fir. Maith don fir t̆all, mana itir nach mil bit̆binec̆ ro foğail uad. Mait̆ don aithgin, im ic do gabail uad ann. Is amlaid ictar in aithgin: crandc̆ur do c̆ur ar cac̆ noen seilb, ocus ar cac̆ naen mil do setaib na selba sin, co findtar in mil airit̆i ro foglaid fir; corab lan ro aicned in mil sin ictar and; nara mil cetcintach i cinaid in mil bit̆binc̆e, ocus nara mil bit̆binc̆e i cinaid mil cetcintaiğ. Ocus ar maithe re feichemain toicheda do nit̆er sin da mbe ac acra aithgina o fir dfir. Ocus is amlaid icaidrium in naithgin sin etarru fein tall; sec̆t ranna im duine, cuic ranna im boin, ocus da raind im ech. Cach uair is secht ranna im duine, icait indile lain tri ranna

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[1] *Two 'olfeine'-measures.* In O'D. 1067, half an 'olfeine'-measure is said to be equivalent to an 'olpatraic'-measure; and the proportions are mentioned, as six laymen to twelve clerics.

'olpatraic'-measure *which contains* two 'olfeine'-measures.[1] Four and twenty clerics *sit down* about it, and twelve laymen. They (*i.e. both parties*) get an ēqual quantity of food, but double ale *is allowed* to the laymen, in order that the clerics may not be drunk, and that their canonical hours may not be set astray on them.

Their deeds and their debts are estimated equally from their numbers, from their herds, and from their ages.

That is, if it be doubtful whether it was by them (*the persons charged*) or not by them the killing was committed, there is no compensation to be paid for it (*the killing*); but if they both choose, or whichever of them chooses that lots should be cast,[a] it (*the casting of lots*) shall be *conceded* to him. And the lots are cast in this manner:—three lots are put in, a lot for guiltiness, a lot for innocence, and the lot of the Trinity after them. This is enough to criminate or acquit them. If it be the lot of the Trinity that came out, it is to be put *back* each time until another lot comes out.

[a] Ir. *The lots.*

If it be certain that it was by them the killing was committed, compensation shall be paid for it. This *is* good for them both. *It is* good for the man outside, unless he knew that it was not a small animal of first offence that injured him. *It is* good for the man inside, unless he knew that it was not a wicked animal *of his* that did the injury. *It is* good for the compensation, with respect to getting payment from him for it. This is the manner in which the compensation is paid:—lots are cast upon each herd, and upon each animal of the 'seds' of that herd, until the particular animal is known which did the injury to him; so that the full *fine* according to the nature of that animal is paid for it; that it be not an animal of first trespass for the offence of an *habitually* wicked animal, or an *habitually* wicked animal for the offence of an animal of first trespass. And this is done for the good of the plaintiff should he be suing for compensation from man to man. And this is the way they pay that compensation between themselves within:—seven parts for a person, five parts for a cow, and two parts for a horse. Whenever it is seven parts for a person, cattle of full-*fine*

ar ar dus, ocus tecait i cuibdius co hindile leit̃i im tri randaib aile, ocus comicat etarru; tecait indile leit̃i co hindile aithgina im an raind ata ar scath aithgina, ocus comicait eturru.

Cach uair is cuic ranna im boin, icait indile lain da raind ar ar dus; tecait i cuibdius co indilib let̃e im in da raind aile, ocus comicait etarru; tecait indile lain ocus let̃e co indilib aithgina im in raind ata ar scat̃ aithgina, ocus comicat etarru. No dono c̃ena, coma da raind dec do denam don aithgin im duine, ocus nae randa im boin, ocus nae randa im ech.

Cach uair is da rand dec im duine, sect̃ randa ar indilib lain, ceit̃ri ranna ar indilib leit̃i, ocus rann ar indilib aithgina. Ocus is amlaid̃ sin atait indile let̃e ocus ceiṫri sect̃maid ar indilib lain, ocus indile aithgina i cethruimt̃e re hindilib let̃e, ocus indilib aithgina i sect̃mad re indilib lain.

Cach uair is nae ranna im boin, cuic randa ar indilib lain, a tri ar indilib leit̃i, rann ar indilib aithgina; ocus is amlaid atait indilib i tri cuicid re indilib lain, ocus indile aithgina i triun re hindilib let̃e, ocus indile ait̃gina [i] cuiced re hindilib láin. C. 596.

C. 1830. Cac̃ uair is nae randa im ech, [ceit̃re] ranna ar indilib lain, ocus tri ar indilib let̃e, ocus da rand ar indilib aithgina; ocus is amlaid̃ sin atait indile let̃e i teora cethruimt̃e re indilib lain, ocus indile aithgina in da trian re indilib leit̃i, ocus indile aithgina i let̃ re hindilib láin.

Ma sain indile lain ocus let̃e ocus aithgina ac marbad̃

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[1] *Nine parts for a cow.* The MS. adds here ".u. rañna im boin, five parts for a cow," which is plainly a mistake.

[2] *Four of these parts.*—O'D. 1464 reads here "sect̃, seven," which is manifestly wrong.

pay three parts of them first, and they come into shares with cattle of half-*fine* respecting other three parts, and they pay *them* equally between them; the cattle of half-*fine* come *into shares* with cattle of restitution respecting the part that is for restitution, and they pay equally between them.

Whenever it is five parts for a cow, the cattle of full-*fine* pay two parts out of it at first; they come into shares with cattle of half-*fine* respecting the other two parts, and they pay equally between them; the cattle of full-*fine* and of half-*fine* come *into shares* with cattle of restitution respecting the part that is for restitution, and they pay equally between them. Or, *according to others*, the restitution may be divided into twelve parts for a person, and nine parts for a cow, and nine parts for a horse.

Whenever it is twelve parts for a man, seven *of these* parts *are* upon the cattle of full-*fine*, four parts upon the cattle of half-*fine*, and one part upon the cattle of restitution. And thus the cattle of half-*fine* are *in a proportion of* four-sevenths with the cattle of full-*fine*, and the cattle of restitution are in one-fourth *proportion* with the cattle of half-*fine*, and the cattle of restitution are in one-seventh *proportion* with the cattle of full-*fine*.

Whenever it is nine parts for a cow,[1] five *of these* parts *are* upon cattle of full-*fine*, three upon cattle of half-*fine*, *and* one part upon cattle of restitution; and thus the cattle *of half-fine* are in three-fifths *proportion* with the cattle of full-*fine*, and the cattle of restitution in one-third *proportion* with the cattle of half-*fine*, and the cattle of restitution in one-fifth *proportion* with the cattle of full-*fine*.

Whenever it is nine parts for a horse, four *of these* parts[2] *are* upon cattle of full-*fine*, and three upon cattle of half-*fine*, and two parts upon cattle of restitution; and thus the cattle of half-*fine* are in three-fourths *proportion* with the cattle of full-*fine*, and the cattle of restitution in two-thirds *proportion* with the cattle of half-*fine*, and the cattle of restitution are in half *proportion* with the cattle of full-*fine*.

If it be different cattle of full-*fine*, of half-*fine*, and of restitution that are *together engaged* in the killing of "a dog

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con na tri ngnim, icait indili láin cethruimt̃i ocus sec̃t-mad ar dus, ocus tecait a cuibius co indilib leit̃i im cethruimt̃i ocus im sec̃tmad, ocus comicat etarru. Tecait indili láin ocus indile let̃e [i cuibdius] co hindilib aithgina [im cethruim̃e], ocus comicat etarru.

C. 1830.

Ma sain indile let̃e ocus laín he, icat indile láin cethruimt̃i sec̃tmaid ar ar tus, ocus tecait a cuibdius co hindilib let̃e im cethuimt̃i ocus im sec̃tmad, ocus comicat. Tecait indile lain ocus indile let̃e co hindilib aithgina im cethruimt̃i, ocus comicat eturru.

Ma sain indile lain ocus let̃e, icat indile lain cethruimthe ocus oc̃tmad ar ar tus, ocus tecait i cuibdius co indilib let̃e im let̃ ocus im oc̃tmad̃, ocus comicet etarru.

Masa indile lain ocus aithgina, icait indile lain teora cethruimti ar ar dus, ocus tecait i cuibdius co indilib aithgina im cethruimt̃i, ocus comicat etarru.

Masa indile let̃e ocus aithgina, sec̃t randa do denum don aithgin ann, ocus icat indile let̃e cuic randa ar dus, ocus tecait i cuibdius co hindilib ait̃gina im in da raind aile, ocus comicat etarru. No dono c̃ena, ata coirrdiri in duine is deoraid i coin na tri ngnim, co mbeit̃ in cutruma ro icfait̃ea i nduine do rannaib i neccuibdius dic indti .i. da rann dec do denum de in arud̃u adrubramar romaind air in ecuibdius im duine. Indile láin, ocus let̃e, ocus aithgina sin romaind.

Mana uil ac̃t indile láin ocus let̃e, in naithgin dic doib.

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[1] *A dog of the three deeds.* That is, tracking, seizing, and defending a person attacked, in certain cases. Vid. O'D. 2449.

of the three deeds,"[1] the cattle of full-*fine* pay a fourth and a seventh first, and they *then* come into shares with the cattle of half-*fine* respecting a fourth and a seventh, and they pay equally between them. The cattle of full-*fine* and the cattle of half-*fine* come into shares with the cattle of restitution respecting a fourth, and they pay equally between them.

If it be different cattle of full-*fine* and of half-*fine that have killed the dog,* the cattle of full-*fine* pay a fourth of a seventh out of it (*the fine*) at first, and they come into shares with the cattle of half-*fine* respecting one-fourth and one-seventh, and they pay equally. Cattle of full-*fine* and cattle of half-*fine* come *into shares* with cattle of restitution respecting a fourth, and they pay equally between them.

If it be different cattle of full-*fine* and of half-*fine that have killed the dog,* the cattle of full-*fine* pay the fourth and the eighth out of it (*the fine*) at first, and they come into shares with the cattle of half-*fine* respecting one-half and one-eighth, and they pay equally between them.

If it be cattle of full-*fine* and of restitution *that have killed the dog,* the cattle of full-fine pay three-fourths out of it at first, and come into shares with cattle of restitution respecting a fourth, and they pay equally between them.

If it be cattle of half-*fine* and of restitution *that have killed the dog,* the compensation shall then be divided into seven parts, and the cattle of half-*fine* pay five parts at first, and come into shares with the cattle of restitution respecting the other two parts, and they pay equally between them. Or, *according to others, as* the body-fine of a person who is a stranger is *the fine* for the "dog of the three deeds," *so* the number of portions which would be paid for a person in *cases of* unequal division should be paid for it, i.e., *as to* the dispositions which we mentioned before in the *case of* unequal division respecting a person, they are to be divided into twelve parts. Cattle of full-*fine*, and half-*fine*, and restitution *are* those *referred to* before.

If there be only cattle of full-*fine* and half-*fine*, the compensation is to be paid by them.

In tainmrainde ro icfaitis indile let̃e re indile lain, co mbeit̃ indile aithgina accu, curub e in tainmrainde sin icait cuna mbeit̃ ocus indile lain.

Masa indile aithgina ocus indili let̃e uil ann, in ait̃gin dic ann doib, ocus in tainmrainde ro icfaitis indile aithgina re indilib leit̃i, co mbeit̃ dindilib lain acu, corub e in tainmraindi sin icait cana mbeit̃ ocus indili let̃e .i. seoit cethirarda so romaind.

Masa seoit ata smact̃ ocus aithgin, ocus na fuil dire, ma ta ceit̃ri cutruma a aithgina do smact̃ ann, is aruda seoit ceit̃irarda; mana fuil ceit̃ri cutruma aithgina do smact̃ ann, is arud̃a seoit diubulta.

Masa mo in smact̃ ina naithgin, ocus ni fuil ceit̃ri cutrumus na aithgina ann, ocus in tainmrainde sin don aithgin ber ar indilib aithgina; ocus a fuil ann o t̃a sin amach ar indilib lain ocus let̃e.

Masa mo in aithgin ina in smact̃, in tainmraindi geiber in smact̃ bec isin naithgin moir, corub e in tainmraindi sin don aithgin ber ar indilib aithgina; ocus a fuil ann o t̃a sin amac̃ ar indilib lain ocus let̃e; ocus a comic doib etarru.

Mas aire do cuatur do c̃um in breitheman, diarfaig̃id cindas icfait in eccuibdius, ised is coir don breithemain ann a rad; icad fer na haen bo cutrumus re fer na mbo imda. Ma cuibdius do cuatur, is coir don breithemain a rad; icad fer na oen bo cutruma re haen boin do buaib fir na mbo imda.

Cach cin co cintach.

.i. cein ber cintac̃ i cric̃ noco dlegar inbleogain bra-

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The proportion which cattle of half-*fine* would pay *in relation* to cattle of full-*fine*, there being cattle of restitution with them, is the proportion which they (*cattle of half-fine*) pay when they are with[a] cattle of full-*fine only*.

If it be cattle of restitution and cattle of half-*fine* that are *concerned* in it (*the killing*), the compensation shall then be paid by them, and the proportion which cattle of restitution would pay *in relation* to cattle of half-*fine*, they having cattle of full-*fine* with them, is the proportion which they shall pay when they are with the cattle of half-*fine only*, i.e. the above were 'seds' of four degrees.

If it be a 'sed' which has 'smacht'-fine and restitution, and has not 'dire'-fine, if there be four times as much of 'smacht'-fine as there is of restitution for it, it has the graduation of a 'sed' of four degrees; if it has not four times as much of 'smacht'-fine as it has of restitution, it has the graduation of a 'sed' of double.

If the 'smacht'-fine be greater than the restitution, and is not equal to four times the restitution, that proportion of the restitution shall be upon the cattle of restitution; and what there is from that out *shall be* upon the cattle of full-*fine* and of half-*fine*.

If the restitution be greater than the 'smacht'-fine, the proportion which the little 'smacht'-fine bears to the great restitution, is the proportion of the restitution that shall be upon the cattle of restitution; and what there is from that out *shall be* upon the cattle of full-*fine* and half-*fine*; and they pay equally between them.

If it was for this they went to the Brehon, to ask how they should pay the unequal proportions, what the Brehon ought to say is; "Let the owner of the one cow pay as much as the owner of the many cows." If it be *in a case of* equal proportions they went, it is right for the Brehon to say: "Let the owner of the one cow pay as much as one cow of the cows of the owner of the many cows."

Every crime to the criminal.

That is, as long as the criminal is in the territory it is not lawful to sue his next of kin or his kinsman surety, but

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[a] Ir. *And.*

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thar na raṫa dacra, acṫ toiched air fein ro aicneḋ a graid; ocus athgabail do gabail de; ocus foiġeltaḋ ocus bleiṫ ocus lobaḋ do dul ina cenn.

Mana fuil i criċ itir he, no ce na beiṫ, mana fuilit seoit aici, ma ro leicistar elod, a roġa don feichemain toicheda in inbleoġan brathar no raṫa aiceres; ocus cid re dib acras, is leis a roġa; acṫ mas e a roġa inbleoġain braṫar dacra, ictar in uiliataid uile ris. Ocus mas e a roġa inbleogain raṫa [dacra.], noco nictar acṫ mad cert aithgin. O'D. 735.

Cid fodera caċ uair ise a roġa inbleoġain brathar dacra co nictar in uiliataid uile ris, ocus caċ uair ise a roġa inbleoġain raṫa, co na ictar acṫ mad cert aithgin? Ise faṫ fodera; inbleoġain raṫa nocor gabustar saide do laim acṫ mad ic no tobaċ, ocus coir cen co hicad acṫ mad cert aithgin, no co ro leicea fein elod.

Inbleoġain brathar imorro, nocor gabustar saiḋe do laim itir ic no tobaċ, acṫ aṁuil ro soisid ċuici iar ceimennaib, ocus coir cia no icad in uilidetaid uile, uair diablad cintaig issi aithgin inbleogain.

Mas e a roga inbleoġain raṫa dacra, noco nícann acṫ cert aithgin ineich ris i ndeċaid, no co leicea fein elod, ocus icad inbleogan brathar digbail laime re hinbleoġain raṫa.

Mas e a roġa inbleoġain brathar dacra, icat sin in uiliatu ro dleċt and, uair uiliatu cintaid issi aithgin gill inbleoġain; ocus in tan tic cintaċ re dliged, icaid digbail laime re hinbleoġain.

Mana fuil i criċ itir he, acṫ ma tait seoit aici isin crich, a roġa don feichemain toicheda in iat a seoit gebus o mud gill, no inbleogain brathar no raṫa aicerus. Mas e a roga a seoit do beiṫ ina laim o mud gill, a caithem a laċta no a gnimraid, ocus foigelt ocus bleiṫ do dul ina cenn, ocus noco teit lobaḋ. Mas e a roġa inbleoġain brathar, is a beiṫ mar adubramar romaind.

Trian do airget in caċ eiric.

.i. o bus tria comraiti, no tria anfot feirgi indeiṫbire

to sue himself according to his rank; and to make a distraint upon him; and *to let* expense of feeding and tending, and forfeiture accumulate upon it (*the distress*).

If he is not in the territory at all, or though he be, unless he has 'seds,' *or* if he has absconded, the plaintiff has his choice whether he shall sue the next of kin or the surety; and whichever of them he sues, he has his choice; but if it be his choice to sue the next of kin, the entire claim is paid him. And if it be his choice to sue the kinsman surety, proper compensation only shall be paid him.

What is the reason that whenever it is his choice to sue the next of kin, the entire claim is paid him, and whenever it is his choice *to sue* the kinsman surety, only proper compensation is paid him? The reason is; the kinsman surety had not undertaken *to do aught* except to pay or levy, and it is right that he should not pay but proper compensation, unless he should himself abscond.

The next of kin, however, had not undertaken at all to pay or to levy, but as it would come to him in course, and it is right that he should pay the entire claim, for "the compensation of the next of kin is double that of the defaulter."

If it be his choice to sue the kinsman surety, he pays but exact compensation for the thing for which he went *security*, unless he should himself abscond, and the next of kin shall pay the emptying of his hand to the kinsman surety.

If it be his choice to sue the next of kin, he (*the next of kin*) shall pay the entire of that which was due in the case, for the whole liability of the defaulter is the restitution of the kinsman's pledge; and when the defaulter submits to law, he shall pay the emptying of his hand to the kinsman.

If he (*the defaulter*) is not in the territory at all, but has 'seds' in the territory, the plaintiff has his choice whether he shall seize his 'seds' after the manner of a pledge, or sue the next of kin or the kinsman surety. If it be his choice to have his 'seds' in hand after the manner of a pledge, he may use their milk or their labour, and expense of feeding and of tending accumulates upon them, but forfeiture does not. If it be his choice *to sue* the next of kin, it is to be as we have said before.

One-third is sued in each 'eric'-fine.

That is, when it is intentionally, or inadvertently in

ferfaiter na cneda, is cutruma trin coirpdiri caċa cneidi do riṫ ann cach aenaiġ co ruici tri oenaiġe, cen eitirímdibe baill; ocus ma ta eitirímdibe baill, is ar ceiṫri oenaiġib; no in oċtmad rann dec coirpdiri cacha cneidi caċa aidbrida co rici oċt naidbriḋa dec, cen etirimdibe baill; ocus ma ta eitirimdibe baill, is aidbred ar fichit.

Mar tre anfot feirgi deiṫbiri, is cutrumus trian leṫ coirpdire do riṫ ann caċ oenaig co cenn tri aenaiġi, cen eitirimdibi baill. Ocus ma ta eitirímdibi baill, is ar ceiṫri aenaigib; no in toċtmaḋ rann dec leṫ coirpdiri cacha cneidi co ruici oċt naidbreda dec, cen eitirímdibe baill; ocus ma ta eitirímdibe baill, is ar aidbred ar fichit.

In la reiṫes ar aenach ni reiṫenn ar aidbred. In la reiṫes ar aidbred, ni reiṫenn ar oenach; ocus cemad ail a reiṫ orro andis in aenaċt, noco reiṫenn aċt mad ar neċtar de. Ocus noco nfuil iarmbreithemnus o daer no co roib etirimdibi baill, ocus o bias, in rann othrusa no aithgina uil and is ar oenach reithes no ar tri haidbredaib. Ocus nucon ar daigin tuba na hainme do rine fer aidbrida a iarfaigid and, co fis na can fis drochleigis do liaiġ; ocus damud ed, ro biad eiric tuba na hainme and re taeb sin.

Mar ar daigin tuba na hainme do rigne fer iarfaigid a iarfaigid, islan liaiġ ann, ocus eiric dic dfir iarfaiġiḋ.

Mar tri fuiririd drochleigis co fis do liaig, noco nathfegtar re niubaile i leṫ fris, aċt a ic do gres.

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[1] *For each 'aenach'-injury.* The words "aenaċ," or "oenaċ," and "aidbred," have been left untranslated as no gloss upon them, in the sense which they seem to bear in the text, has been as yet found. "Aenach" is probably the exposure of a blemish; and "aidbred," the reproaching a man therewith, in which sense the word occurs in Senchas Mor., vol. i., p. 72, line 5 from bottom.

[2] *And the inquirer.* The marks of aspiration over the g and d in the Irish word, iarfaiġiḋ, are in different ink and of a different form the usual marks of aspiration in the MS. They are evidently by a later hand.

unlawful[a] anger the wounds are inflicted, a proportion of one-third body-fine for every wound shall be incurred in the case for each 'aenach'-injury[1] as far as three 'oenach'-injuries, when no limb has been removed;[b] but if a limb has been removed, it is for four 'aenach'-injuries *it is due;* or, the eighteenth part of body-fine *is paid* for a wound in every 'aidbred'-injury as far as eighteen 'aidbred'-injuries, without removal of a limb; but if there has been removal of a limb, it is *paid for as many as* twenty-one 'aidbred'-injuries.

If it (*the wound*) was *inflicted* inadvertently in lawful[c] anger, the proportion of a third of half body-fine shall be incurred for it for every 'aenach'-injury till it reaches three 'aenach'-injuries; *this is,* without removal of a limb. And if there be removal of a limb, it extends as far as four 'aenach'-injuries; or the eighteenth part of half body-fine for every wound as far as eighteen 'aidbred'-injuries *shall be paid,* when there has been no removal of a limb; and if there has been removal of a limb, it is *paid* for *as many as* twenty-one 'aidbred'-injuries.

The day which runs for an 'aenach'-injury does not run for an 'aidbred'-injury. The day which runs for an 'aidbred'-injury does not run for an 'oenach'-injury; and though it should be desired that it should run for them both at once, it does not run but for either of them. And there is no after-judgment from a 'daer'-man, unless a limb has been removed, and when it has, the portion of sick-maintenance or compensation which is *due* for it runs for one 'aenach'-injury or for three 'aidbred'-injuries. And it was not for the purpose of exposing the blemish the 'aidbred'-man made the inquiry in the case, with knowledge or without knowledge of bad cure by the physician; and if it were, the 'eric'-fine for exposure of the blemish would be *due* for it besides.

If it was for the purpose of exposing the blemish that the inquirer made the inquiry, the physician is exempt in the case, and the inquirer[2] shall pay 'eric'-fine.

If it be in consequence of bad curing with the physician's knowledge, the testing time is not taken into consideration with respect to it, but it (*the 'eric'-fine*) is always to be paid *at once.*

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[a] Ir. *unnecessary.*

[b] Ir. *Without cutting off a limb.*

[c] Ir. *necessary.*

Mas tri fuiririd droċleigis can fis do liaig, act mas re re niubaile tancatur ris iat, is a eiric dic do liaig fo aicned midaig techta no etechta, co treabuiri.

Mas iar re niubaile, islan; cein beiṫir oc in leiġis noco níċtar in tiarmbreiṫ[emn]us; ocus o tairgeba in leiges, is ann atá ré niubaile do riagailt ris.

Mas tria fuirirud droċleigis co fis do liaig, is a ic do aṁuil do berad o laim. Mara droċleiges, is a ic do liaig fo aicned midaig techta no etechta.

Leiṫ eirić caich a cois, a laim, a suil, a tengaig.

.1. Ma ro benad a leṫċos, no a leṫlam co lan luth do duine, no leṫbel, no tenga cu nurlabra, no sron co mboltunugad, no suil co nimcisin, no cluas co neisteċt, is leth coirrdire (.i. ar adeitċe) ann; is leṫ aithgin ocus is lan eneclann do ann. Ocus is cetfaig co mbeṫ lan isin mbel, ocus isin sroin, ocus isin tengaid; ocus cid minic bentair ball leth aithgina ar saine feċt, (no feirgi tanaisti), biaid sin do.

Ma ro benad da ball leṫ aithgina a neneċt de, tre enfeirg, lan coirrdire ann ocus lan eneclann ocus aithgin comlan. Ocus cid meinic bentair da ball leṫ aithgina de a neneċt, noco bia indtib aċt sin. Tri saine feirgi [benad] de iat sin.

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[1] *They came against him.* That is, his wounds became troublesome to him.

[2] *A foot, a hand, an eye, a tongue.* In a fragment of this article in C. 631, a question and answer to the following effect, are given: "When is there full 'eric'-fine for a foot or a hand? Full 'eric'-fine is *due* for each member of these when he *(the injured party)* has but one eye, or one foot, or one member of half compensation."

[3] *According to his intention.* The Irish for this phrase is an interlined gloss by a later hand.

If it was in consequence of bad curing without the physician's knowledge, and if it was within the time of testing they came against him,[1] the 'eric'-fine is to be paid by the physician, according to his rank of lawful or unlawful physician, with security.

If it be after the testing time, he (*the physician*) is exempt; while the cure is being made the after-judgment is not paid; and when the cure shall have been finished, it is then the testing time is the rule respecting it.

If it is in consequence of bad curing with the physician's knowledge, he is to pay as if he (*the physician*) inflicted *the wound* with *his own* hand. If it be bad curing, it is to be paid for by the physician according to his rank of lawful or unlawful physician.

Half the 'eric'-fine of every person *is to be paid* for a foot, a hand, an eye, a tongue.[2]

That is, if a person has been entirely deprived of the use of one leg, or one hand, or of one lip, or of his tongue, so as to lose[a] his utterance, or of his nose, with the sense of smell, or of the sight of[b] an eye, or the hearing of an ear,[c] he is entitled to half body-fine, i.e. according to his (*the assailant's*) intention;[3] *and* half-compensation and full honor-price for it (*the injury*) are *due* to him. And it is the opinion *of some* that there should be full '*eric*'-*fine* for the mouth, and for the nose, and for the tongue; and as often as a person shall have been deprived of a member for which half compensation is due,[d] the occasions being distinct, (or in second anger),[4] that *fine* shall be *paid* to him.

[a] Ir. *with.*

[b] Ir. *An eye with sight.*

[c] Ir. *An ear with hearing.*

[d] Ir. *Of half compensation.*

If a person shall have been deprived on the same occasion of two members for which half-compensation is due, *and* through one *fit of* anger, full body-fine, and full honor-price, and full compensation *shall be paid for it.* And however often a person is, on the one occasion, deprived of two members for which half compensation is due, only that *amount* shall be *paid* for them. Through a different *fit of* anger, they were cut off him.

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[4] *Or in second anger.* The Irish for this also is an interlined gloss by a later hand.

Ma ferad cned ar in notan ar a aiṫle, is coirpdiri ocus eneclann ann fo truma na cneidi do, ocus aithgin, no etirímdibe baill.

Ma ro marbad he ar a aithle sin, reċt cumala i netarscarad cuirp fri hanmain, uair reċt a corp ocus anum.

Ma ro benad a cluas co neisteċt do duine, is leṫ coirpdiri, ocus is leiṫ eneclann, ocus is leṫ aithgin; no dono, co na beiṫ in aithgin itir, uair is a lenmain in eisteċta bis; no dono ċena, comad coirpdiri ocus eneclann fo truma na cneiḋi.

Ma ro benad mera a ċos no lam de, is lan coirpdiri ocus is lan eneclann ocus aithgin comlan; ocus cid iat a mera uile bentar de, noco nuil ní is mo na sin and.

Cutruma i meraib na cos; no, cumad mera na cos aṁuil mera na lam; no dono, cumad cutruma in caċ mer do na tri meraib uile, cenmota in orda; uair ordu na coisi aṁuil órdu na laime; ocus cia no benta a lam o ṫa gualaind do duine, is inand do ocus ro benta de hi ac asdell; ocus cia ro benta a ċoss o ṫa a glun de, is inand do ocus ro benta de hi ica adbrond.

Ma ro facad ní da luth isin cois no isin laim, no da himcisin isin tuil, no da boltnugaḋ isin tsróin, no da eisteċt isin cluais, no da urlabra isin tengaid, cethrume coirpdiri, ocus cethrume aithgina, ocus leṫ eneclann ann do caċ duine itir isel ocus uasal, ocus samaisc. Ar son aithgina isin laim, oċt screpaill dec sa do, a hoċt dec dib isin ordain a aenur; a hoċt dec aile acut andside; nae screpaill dib isin mer fata isin laim deis, no isin mer midaig isin laim cli; nae screpaill acut andseic; tri screpaill cach meir do na tri meraib aile.

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[1] *The maimed person.*—For "notan" of the MS., Dr. O'Donovan conjectured "notar." The term "otar" means "a sick person."

If a wound was afterwards inflicted on the maimed person,[1] body-fine and honor-price *shall be paid* to him for it according to the severity of the wound, and compensation, or the separation of a member.

If he was killed after this, seven 'cumhals' *shall be the fine* for killing[a] him, for *there are* seven '*cumhals*' for body and soul.

[a] Ir. *Separating body from soul.*

If a person be deprived of his ear with hearing, half body-fine, and half honor-price, and half-compensation are *due for it;* or, *according to others,* there may be no compensation at all, for it is following of the hearing it is; or, *according to others,* it may be body-fine and honor-price according to the severity of the wound.

If the toes of his feet, or *the fingers* of his hands have been cut off *a person,* full body-fine, and full honor-price, and full compensation are *due;* and even though it be all his fingers that have been cut off him, there is no more than this for it.

There is the same *fine* for *each of* the toes of the feet; or, *according to others,* the toes of the feet are *paid for* as the fingers of the hands; or indeed, there is the same *fine* for each of the three toes, except the big-toe; for the big-toe of the foot is like the thumb of the hand; and though the arm should be cut off a person from the shoulder, it (*the fine*) is the same to him as if it were cut off him at the elbow; and though his leg were cut off him from his knee, it (*the fine*) is the same to him as if it were cut off from the ankle.

If any of its power has been left in the foot or in the hand, or of its sight in the eye, or of its sense of smell in the nose, or of its hearing in the ear, or of its utterance in the tongue, *the fine is* one-fourth of body-fine, and one-fourth of compensation, and one-half of honor-price for it to every person whether low or high, and a 'samhaise'-heifer. As compensation for the hand, twice eighteen 'screpalls' *are payable,* eighteen of them *are* for the thumb alone; eighteen more *remain* with you then; nine 'screpalls' of these are for the long finger of the right hand, or for the middle finger of the left hand; nine 'screpalls' *remain* with you then; three 'screpalls' *are for* each finger of the three other fingers.

Tri screpaill ina buain isin alt ichtarach, da screpall isin nalt medonac̄, screpall air isin alt uac̄tarach.

Ma ro benad bairr a meoir o bun na hingne, o tha a duban suas de, coirpdiri ocus eneclann fo truma na cneidi; no ma ro serad fuiliuḡad̄ air ac buain a ingin de, is eiric fuiliḡt̄e do and. Mas o duban suas ro benad de a ingu, eiric bain beime ann, ocus ingu eit don timpanach ar son aithgina, mara de do benad.

Ma ro benad a let̄ folt no a lan folt do duine, let̄ coirpdire ocus let̄ aithgin ocus lan eneclann.

Ma ro benad a bra uac̄tair a sul do duine, coirpdiri ocus eneclann ann fo truma na cneidi; no, cumad let̄ coirpdiri ocus let̄ eneclann and, má cotlaid; ocus mana coland, is lan coirpdiri, uair ni beo duine cen collud.

Masa urrandus do let̄ folt no do lan folt ro benad de, in tainmrainde do let̄ folt no do lan folt ro benad de, curab e in tainmrainde sin do let̄ coirpdire ocus do let̄ aithgin ocus do lan eneclann ber ann.

Da ba isin cnocbeim, no isin ngiunad co lomad, ocus sec̄tmad neneclainne; ocus cutrumus sec̄tmaid in da bo daithgin dimarcraid isin ngiunad co lomad sech in cnocbeim. In aenmad rann fichat daithgin isin ngiunad co lomad, uinge isin mbanbeim, no isin ngiunad cen lomad.

Da ba isin cnocbeim, no isin ngiunad co lomad, ocus sec̄tmad eneclainni; ocus sec̄tmad̄ in da bo daithgin dimarcraid isin ngiunad co lomad. Bo isin mbanbeim, no isin ngiunad cen lomad; in aenmad̄ rann fichit daithgin dimarcraid isin ngiunad cen lomad.

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[1] *Lump-blow.*—That is, a blow which produces a lump on the part struck.

[2] *The white blow.*—That is, a blow which does not produce a lump, or cause bleeding or discolouration.

There are three 'screpalls' for cutting the lowest joint, two 'screpalls' for the middle joint, and one 'screpall' for it (*the injury*) for the upper joint.

If the top of his finger has been cut off him from the root of the nail, *or* from its black upwards, body-fine and honor-price *are paid for it,* according to the severity of the wound; or if bleeding was caused in cutting off his nail, he shall have 'eric'-fine for bleeding on account of it. If it was from the black upwards his nail was cut off him, *there shall be* 'eric'-fine for a white blow on account of it, and a wing-nail *shall be given* to the harper by way of compensation, if it was off him, it (*the nail*) was cut.

If half his hair or the whole of his hair has been cut off a person, half body-fine and half compensation and full honor-price *shall be paid for it.*

If the upper lids of his eyes have been taken off a person, body-fine and honor-price *shall be paid* for it according to the severity of the wound *inflicted;* or, *according to others,* it (*the penalty*) may be half body-fine and half honor-price for it, if he sleeps; but if he does not sleep, it (*the penalty*) is full body-fine, for a person cannot live[a] without sleep.

If it be a part of half his hair or of the whole of his hair that has been cut off him, the proportion of half hair or of whole hair that has been cut off him, is the proportion of half body-fine and of half compensation and of full honor-price that shall be *paid* for it (*the cutting*).

Two cows *are paid* for the lump-blow,[1] or for the shaving bare, and the seventh of honor-price; and *the fine for* the shaving bare exceeds *the fine for* the lump-blow by the equivalent of the seventh of the two cows *to be given* as[b] compensation. The twenty-first part of compensation *is the fine* for the shaving bare, *and* an ounce for the white-blow,[2] or for the shaving without making bare.

Two cows *are paid* for the lump-blow, or for the shaving bare, and one-seventh of honor-price; and there is one-seventh of the two cows *due* as[b] compensation additional for the shaving bare. A cow *is paid* for the white blow, or for the shaving without making bare; one-and-twentieth part of compensation additional for the shaving without making bare.

[a] Ir. *Is not alive.*

[b] Ir. *Of.*

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Caidi deit̃bir atarru so .i. itir cait̃ir, ocus i bail ita: lomrad fordroind caċh mna tri treblonnas do renar do dib treinib fiac̃ a meblaigt̃i? .i. coirpdiri a cneide ata doibsund in eiric giunta co lomad, no cen lomad, ocus eneclann ata di t̃all ina sarugad.

Eiric giunta co lomad a ciabaib na crosan, ocus na scoloc, ocus na ningen mael, ocus i cat̃air a ruisc, ocus a findfad a malac̃, no cait̃ir, no fesoc no a nulca na fear. Is eiric giunaid co lomad no cen lomad doib ann; no, comad eiric let̃ fuilt no lan fuilt doib a nurla; no dono, co na beit̃ rand doib itir dait̃gin i necosc indligtec̃.

Ocus cia no benta a baill let̃ aithgina uile i naenfec̃t lan coirpdiri ocus lan aithgin ocus lan eneclann do indtib.

O'D. 1964–5. [Mas i a uidim ro benad̃ as in duine, lan coirpdire ocus lan encelann, ocus aithgin comlan do intib. Na hairne toile, ocus in toil ḟeit̃, cid be dib bentar ar tus, is ann ata in coirpdire comlan, ocus coirpdire fo truma na cneide is in ni bentar de fo d̃eoig̃. Mas í a uirg̃i cle ro benad̃ as ar tus, is lan coirpdire, uair is uait̃i ata in geinem̃ain; ma a uirg̃i d̃es, is coirpdire fo cutruma na cned̃e. Daine dia fog̃nat sin, ocus do gni clannugad doib̃. Ma daine do na fognat, ocus na denat clann doib, amail ata senoir diblid̃e no fer graid̃, ni fuil doib intib̃ ac̃t coirpdire fo truma na cneide.

O'D. 1966. Ma cnam cumach cen letrad̃ cen cned̃, is a fodail dire ocus ait̃gina féin; ma do rat imurro in cnam comac̃

What is the difference between this, i.e. between *the shaving of* the hair, and where it is *said:—For* shaving of the belly of any women through wantonness there is incurred two-thirds of the fine for seducing her? That is, they have *to pay in this case* body-fine for her injury as 'eric'-fine for shaving bare, or without making bare, and she has honor-price above for her violation.

'Eric'-fine for shaving bare *is paid* for the *false* locks of the poets, and of the 'scoloc'-persons, and of the shorn girls, and for the lashes of their eyes, and the hair of their brows, or for the hair, or the beard or the whiskers of the men. It is 'eric'-fine for shaving bare, or not shaving bare *that shall be paid* to them in this case; or, *according to others*, 'eric'-fine for half hair or full hair *shall be paid* them for the hair of the head; or indeed, *according to others* they shall have no part of compensation for an unlawful visage.

And though all his members entitled to half compensation should be cut off *a person* on one occasion, *he shall have* full body-fine *only*, and full compensation and full honor-price for them.

If it is his virile member that was cut out of a man, he shall have full body-fine, and full honor-price, and complete compensation for it. *As to* the glands of desire, and the sinew of desire, whichever of them is cut out first, there is complete body-fine for it, and body-fine according to the severity of the wound for that which is cut off him last. If it was his left testicle that was cut out of him first, it (*the penalty*) is full body-fine, because it is from it generation proceeds[a]; if it be his right testicle, it (*the penalty*) is body-fine according to the severity of the wound. This *is in case of* people to whom they are of use, and whom they serve in procreating. If they (*the persons mutilated*) be people to whom they are not of use, and for whom they do not procreate, such as a decrepid old man or a man in orders, there is *nothing due* to them for *the loss of* them, but body-fine according to the severity of the wound.

If it be *a case of* bone-breaking without rending or wounding, it (*the penalty*) is a division of 'dire'-fine and compensation itself; if, however, the bone-breaking has caused a

[a] Ir. *Is.*

cneḋ, is coirpdire fo aicneḋ na cneiḋe, ocus a foḋail enech in tan is mo inas a foḋail dire fein ocus aiṫgin.]

Ferdair a nothrusa uile, aċt a ferga.

.i. berar iat uile for a doirithin uair bid ocus lega, na daine, naċat escebtaiḋe uithir.

O bus tri comraiti no tria anfot feirgi, cid ferg deiṫbire cid ferg indeiṫbire, is biad ocus liaiġ do co ruicce a teach.

Na huile daine nachit escebtaide uithir, mas tri comraiti, no tri anfot feirgi indeiṫbiri no ferad cned orro, is a neimbreiṫ amaċ ar folaiḋ nothrusa, ocus biad ocus liaig doib co ruici a tech.

Mas tria anfot cen feirg, no tria esba, no tria indeiṫbiri torba, is a mbriṫ for folaiḋ nothrusa, cenmotha na eiscebtaidi uithir; uair mad iat sin, cipe fogail eitge O'D. 1966. triar a ferraiter cned orro, is [a nembreṫ imach for folaċ noṫrusa, aċt] biad ocus liaig doib co ruici a tiġi, no log othrusa.

Mad beo athċuma cethra.

O'D. 1966. .i. o coin cet cintaig [urraiḋ] atait na lana so anuas; no o codnaċ urraiḋ tria indeiṫbire torba, no o daer tria comraiti. Ocus i roga fir in con ara mbera in ne sin do bera, no ne in cu dilsigser; ocus damaḋ e a roga in cu do dilsiġuḋ, do gebad greim ina cet cinaid i nurradus.

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[1] *Divisions.*—For "lana," of the text, O'D. 1966, reads 'ranna,' 'divisions.'

wound, it is *a case of* body-fine according to the nature of the wound, and his division of honor-price when it is greater than his own division of 'dire'-fine and compensation.

They are all brought into sick-maintenance, except the *wounded in* anger.

That is, they are all brought to the noble relief of food and medical attendance, *i.e.* the persons who are not exceptions from sick-maintenance.

When it has happened by design, or inadvertently through anger, whether it be lawful[a] anger or unlawful[b] anger, food and medical attendance shall be *supplied* to him till he (*the wounded man*) reach his house.

[a] Ir. *Necessary.*
[b] Ir. *Unnecessary.*

All the persons who are not exceptions from sick-maintenance, if the wounds were inflicted on them through design or inadvertently in unlawful anger, are not to be brought out into sick-maintenance, but food and medical attendance *shall be supplied* to them till they reach their houses.

If *the wounds were inflicted* inadvertently without anger, or through play, or through unnecessary profit, they (*the wounded*) are to be brought into sick-maintenance, save the exceptions from sick-maintenance; for if they be such, whatever section of the *law of* 'eitge'-crimes the wounds inflicted on them come under, they are not to be brought out into sick-maintenance, but food and medical attendance *shall be supplied* to them till they reach their houses; or, *according to others,* the price of sick-maintenance *shall be given them.*

If it be living laceration of cattle.

That is, from the hound of first trespass belonging to a native-freeman these divisions[1] *of fines* following are due; or *they are due* from a native sensible adult in *a case of* unnecessary profit, or from a 'daer'-man through design. And the owner of the hound has his choice whether he shall pay this, or forfeit the hound; and should it be his choice to forfeit the hound, it (*the fine*) will take effect for its first offence in 'urradhus'-law.

[Cneḋa na rob amail cneḋ na ndaoine, o ṫa bas co bann beim, no o bas co cnoic beim.]

O'D. 1967. Mas tre comraiti no anfot feirgi indeiṫbiri ro ferad
O. 1775. [na cneda] orra, sin ar son aithgina, ocus a ceiṫri cutruma ar son diri, is na setaib cethramda sin ar son aithgina, ocus a cutruma ar son diablad is na setaib diabulta.

Mas tre anfot feirgi deiṫbiri, sin ar son aithgina ocus a da cutruma ar son diabalta is na setaib cethrumda, no a leṫ cutruma ar son diabla is na setaib diabalda.

Leiṫ diri in ruib ina croli bais, ocus lan neneclainni da tigerna; da trian in leiṫ diri ina croligi cumaile, ocus leṫ eneclann da tigerna. A trian ina inannraig se set, ocus trian neneclainne da tigerna; cutruma seisid and, no seċtmaid co na tabairt ris is an inandraig seċt set.

Cid bias a fuiliugad na rob? In tainmrainde gabait na cuic seoit a coirrdire marbṫa in duine, curub e in tainmraindi sin do dire aicinta in ruib bes ina fuiliugad. Re cnedaib in duine riagailter cneda na rob o bas co ban beim; no o ṫa bass co cnocbeim; no comad o bas co fuiliugad.

O bus tria comraiti no tria anfot feirgi indeiṫbiri
C. 1775. [ro ferad na cneda], in tainmraindi da [lan] coirrdiri ro biad do co na ferṫain air fein, corub e in cutruma sin do
O'D. 1967. diri in treoit fein bes ina ferṫain ar in rob, cid rob [is
O'D. 1967. lú cid rob] is cleiṫi; ocus in [tainmrainde] deineclainn ro biad do cona ferṫain air fein, corab e in tainmrainde sin da eneclainn bes do co na ferṫain ar in rob is cleiṫi, ocus a leṫ ina ferṫain ar in rob is lu.

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[1] *Double fine.*—For 'diablad', of the text O'D. 1967, read 'dire;' and also for 'diabalta' in the next paragraph.

[2] *A tent-wound of six 'seds.'*—That is, a wound requiring the use of lint in its treatment, and the penalty for which wound would be six 'seds.'

The wounds of beasts *are* as the wounds of human beings, from death to white blow, or from death to lump-blow.

If it was through design or inadvertently in unlawful anger the wounds were inflicted on them, that *shall be* for compensation, and four times as much for 'dire'-fine, *i.e.* for the animals of quadruple *compensation* by way of compensation and as much by way of double-*fine*[1] for animals of double *compensation.*

If it was inadvertently in lawful anger, that *shall be* for compensation, and twice as much as double *fine* for animals of quadruple *compensation,* or half as much as double *fine* for animals of double *compensation.*

Half the 'dire'-fine of the animal *is due* for its death maim, and full honor-price *is due* to its owner; two-thirds of its half 'dire'-fine for its 'cumhal'-maim, and half honor-price to its owner. A third *is due* for its tent-wound of six 'seds,'[2] and one-third of honor-price to its owner; the equivalent of one-sixth or one-seventh *is due* for inflicting upon it a tent-wound of seven 'seds.'

What shall be *paid* for drawing the blood of animals? The proportion which the five 'seds' bear to the body-fine for the killing of the human being, is the proportion of the natural 'dire'-fine of the 'sed' that shall be *paid* for drawing its blood. By the wounds of the human being the wounds of the animals are ruled from death *down* to a white blow; or from death to a lump-blow; or it may be from death to drawing of blood.

When it is by intention or inadvertently in unlawful anger the wound has been inflicted, the proportion of the full body-fine which he (*the owner*) would have for its infliction on himself, is the proportion of the 'dire'-fine of the 'sed' itself that shall be *paid* for its infliction on the animal, whether it be a small animal or a large animal; and the proportion of honor-price that would be *due* to him for its infliction on himself, is the proportion of honor-price that will be *due* to him for its infliction on the large animal, and the half of it for its infliction on the small animal.

THE BOOK OF AICILL. O bus tria anfot feirgi deit̃biri, in tainmpaindi da let̃ coirpdiri ro biad do ina fert̃ain air fein, corub e in tainmpaindi sin da let̃ diri bes do ina fert̃ain ar in rob, cid rob is lu, cid rob is cleit̃i. In tainmpaindi da let̃ eneclainn ro biad do cona fert̃ain air fein, curub e in taininpainde sin da let̃ ẹneclainn bes do ina fert̃ain ar in rob is cleit̃i, ocus a let̃ ina fert̃ain ar in rob is lu.

Masa cutrumus cleit̃i is esbadac̃ don aithgin ann, is C. 1778. lan eneclann; masa cutrumus lai, is let̃ eneclann; [ocus mas cutrumus seisid, no sec̃tmaid, no rainne is lu, is tuille fris.]

O'D. 1970. [Masa cutrumus cethraman, no cuicid, no rainne is mo inas, is athcur uile trit; ocus cen cob esbad̃ac̃ ac̃t an cethramtha rand de, co fir, is at̃chur uile trit.]

In cethruime rann fichit do diri in ruib ina cnocbeim, no ina giunad co lomad, ocus in cethruime rann fichit daithgin dimarcraid isin ngiunad co lomad, ocus in cethruime rann fichit deineclainn da tigerna; no, comad cethruma rann c̃ena.

C. 1776. In oc̃tmad rann cethrac̃at co let̃ [na hoc̃tmaid rainne] cethrac̃at ina ban beim facaib feit̃ ro saet̃, no na glas, no na at, no na derg; ocus ata iat a triur ann; mana fuil ac̃t aen, no deda dib ann, in oc̃tmad rann cethrachat co cethruimt̃i na hoc̃tmaid rann cethrachat. In O'D. 1968. oc̃tmad rann [cethrachat] nama ina ban beim cen teindius, no ina giunad cen lomad; ocus na ranna cetna da enec- O'D. 1968. lainn [inntu re taob̃ sin.] No dono c̃ena, in tainmpaindi da eneclainn do biad do ina fert̃ain air fein, curub e in tainmpaindi sin bes do ina fert̃ain ar in rob is cleit̃i, ocus a let̃ ina fert̃ain ar in rob is lu.

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[1] *But the one-fourth.*—In the MS. over the latter part of the contraction for the word "fourth," there is written by another hand, "achad," to intimate probably that the word might be "cethrachad," a fortieth.

When *the wound has been inflicted* inadvertently in lawful anger, the proportion of his half body-fine which he would have for its infliction on himself, is the proportion of half 'dire'-fine that shall be *due* to him for its infliction on the animal, whether it be a small animal or a large animal. The proportion of half honor-price which he would have for its infliction on himself, is the proportion of half honor-price he shall have for its infliction on the large animal, and the half of it for its infliction on the small animal.

If the compensation be deficient in an amount equal to *the value of* a large animal, there is full honor-price *due for it*; if it (*the deficiency*) be the equivalent of a small animal, there is half honor-price *due for it*; and if it be the equivalent of a sixth, or a seventh, or of a lesser portion, addition is to be *made* to it.

If it be the equivalent of one-fourth, or one-fifth, or a larger division, *that is deficient of the 'sed,'* it is to be all returned in consequence; and even if there should be deficient but the one-fourth[1] part of it, with proof, it shall be all returned in consequence.

The twenty-fourth part of the 'dire'-fine of the animal *is paid* for a lump-blow, or for shaving it bare, and the twenty-fourth part of compensation in addition for shaving bare, and the twenty-fourth part of honor-price to its owner; or it might, however, *according to others*, be the fourth part.

The forty-eighth part with half the forty-eighth part *is the fine* for the white-blow which leaves a sinew in pain, or discoloured, or swollen, or red; and the three *conditions* are present; if there be but one or two of them present, *the fine shall be* the forty-eighth part with the fourth of the forty-eighth part. The forty-eighth part only *is due* for a white blow without soreness, or for shaving without making bare; and the same proportions of honor-price for them besides. Or else, the proportion of honor-price which would be *due* to him for the infliction *of the wound* on himself is the proportion that shall be *due* to him for its infliction on the large animal, and the half of it for its infliction on the small animal.

Cet̃raimt̃i diri cneidi in ruib ar a leig̃er, amail ata o gradaib feine. Is as gabair: cethruimt̃i diri cneid̃i cac̃a ruib ruamanda ar a leig̃er laind arda, do reir diancec̃t cainbrec̃aig; is e ro c̃ind in bann. No dono c̃ena, comad a denum ar in log is lug̃a bugabar do liaig̃; no dono cena,
O'D. 1971. comad a riagailt re aithgin [in ruib], uair is othrus
O'D. 1971. nemgraid, cutrama aithgina [in ruib ina nemtincisin, no] log othrusa.

Nocu nuil ac̃or orro do grés tre fuirriud cned dfert̃ain orro, no comã dimainec̃; ocus ó bus dimainec̃, isred dlegar a nachur. No dono c̃ena, o bus tria comraiti no tre anfot feirgi indeit̃biri, cen cumad esbadach ac̃t in aenmad rann fichit dib, is a nat̃c̃ur, ocus cutruma na ainme ar son diabla. Mas tre anfot feirgi deit̃biri, ac̃t mara cutruma trin no cethruimt̃i no ni is mo inas is esbadac̃ dib, is a nat̃c̃ur uile trit. Mara cutruma sec̃tmaid no oc̃tmaid, no raindi is luga anas, is a fuilled̃. Mara indeit̃biri torba, noco nuil a nat̃c̃ur do gres no co ro dimainec̃, ocus o bus dimainec̃, is a nat̃c̃ur.

No con fuil at̃c̃ur na rob do gres tre na cnedugad, no co ra dimainec̃ iat, ocus o bus dimainech iat, is ann ata in tat̃c̃or tret̃.

O'D. 1970. Cid fodera [eisid̃e, ocus se ga rad sa ninad eile], cid bec in ainim o bus mart̃anac̃ hi co fuil a nat̃c̃or trit,
O'D. 1970. ocus a bail ata colpac̃ ar airceng [go fuil esbaid laid̃ ocus lac̃ta isin bliadain sin, ocus] co na fuil at̃c̃or trit?

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[1] *A double-fine.*—For 'diabla,' here, Dr. O'Donovan suggested 'dire' as a more correct reading.

The one-fourth of the 'dire'-fine for the wound of the animal is *paid* for the curing of it, as is *obtained* from the 'Feini' grades. From this is derived: "the fourth of the 'dire'-fine of the wound of each ruminating animal *is paid* for its complete cure, according to the fair-judging Diancecht; it was he that established the rule." Or else, *according to others*, it is to be done for the smallest fee that is found for a physician; or else, it is to be ruled by the compensation for the beast, since it is the sick-maintenance of a non-grade, or the price of sick-maintenance that is the equivalent of the compensation for the beast in case of non-attendance.

They are never to be sent back *to the person who has injured them*, in consequence of wounds having been inflicted on them, unless they are *become* useless; and when they are *become* useless, they ought to be sent back. Or else indeed, when *they have been injured* intentionally or inadvertently in unlawful anger, even though they should be but the one-and-twentieth part deteriorated in value,[a] they are to be sent back, and the equivalent of the blemish *is to be paid* as double *fine*.[1] If it were in lawful anger, and if the deterioration amounts to the third or the fourth of their value, or to more, they are all to be sent back in consequence of it. If it amount to one-seventh or one-eighth or a smaller part *of their value*, addition is *to be made* to it (*the compensation*). If *it happened through* unnecessary profit, they (*the animals*) are never to be sent back unless they are *become* useless, and when they are *become* useless, they are to be sent back.

Animals are never to be sent back because of their being wounded, unless they are *become* useless, but when they are *become* useless, they are then to be sent back on account of them (*the wounds*).

What is the reason of this, and that it is said in another place, however small the blemish, if it be permanent, they are to be sent back in consequence of it, and where a 'colpach'-heifer is under cure, and the injury is such that there is a deficiency of the calf and milk for that year, that there is no sending back for it (*the wound*)?

[a] Ir. *Though but the one and twentieth part be deficient in them.*

THE BOOK OF AICILL. Is e faṫ fodera: cid bec in ainim o bus martanaċ, noco nfuil freiscisiu sailtinċi aici iardain, ocus coir ce da neiṫea a aṫċur trit. I bail ata colpaċ ar airceng, ata freiscisiu sailtinċi ann, ocus coir cen co dernta a aṫċor trit. No, dono cena, cid bec in ainim o bus martanaċ hi, O'D. 1970. tre compaiti [no tre anfot feirge indeitbiri] ro ferad cned ann, ocus coir ce do neiṫea a aṫċur; ocus i bail ata colpaċ ar airceng, tre indeiṫbire torba ro ferad cned and, ocus coir cin co biṫ a athcur.

O'D. 1970. [Ocus da mad he roga fir in treoit a set fein do beṫ aigi, roba othrus ocus dire ocus eneclann do leo].

O'D. 1972. [Bo ar uth]; mad se a huṫ uile ro milled and, [do gres] O'D. 1972. bo dar a eisi. [Na ceṫra olċena fon coir cetna]. Mas iat a ceithri sine ro milled ann, oċt scripaill dic caċa bliadna co ro ictar se scripaill dec aen bliaḋain. I cindti sin; ocus mara cunntabairt, ceiṫri scripaill dic caċa bliadna no co ro ictar oċt scripaill aen bliadain.

Mad siat a tri sine, se scripaill caċa bliadna co ro ictar da screpall dec aen bliadain.

Mad siat a da sine, ceiṫri scripaill dic caċa bliadna co ro ictar oċt scripaill in aen bliadain. I cindti sin; ocus mara cunntabairt, da screpall dic caċa bliadna no co ro ictar ceiṫri scripaill aen bliadain.

Mara aen sine, da screpall dic caċabliadna co ro hictar ceiṫri scripaill aen bliaḋain. I cindti sin; ocus mara cunntabairt, screpall dic caċa bliadna no co ro ictar da screpall aen bliadain.

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[1] *Thriving.*—"sailtinċi" appears to mean, expectation of increase in fatness, or of producing young the following year, or of improvement in value generally.

The reason of it is: though small the blemish may be, when it is permanent, there is no hope of its thriving[1] afterwards, and it is right that it should be sent back in consequence. In the case in which the 'colpach'-heifer under cure is *referred to*, there is hope of thriving, and it is right that there should be no sending back in consequence. Or else indeed, *as to* the rule "though small the blemish may be when it is permanent," &c., *it applies where* the wound was inflicted intentionally or inadvertently in unlawful anger, and it is right that it (*the animal*) should be sent back; and in the case in which "the heifer under cure," &c., *occurs*, the wound was inflicted through unnecessary profit, and it is right that it should not be sent back.

And if it were the choice of the owner of the 'sed' to have his own 'seds,' he should have sick-maintenance and 'dire'-fine, and honor-price along with them.

A cow for the udder; if it be the entire of her udder that has been injured, a cow *shall be given* in her stead always. The quadrupeds in general *are estimated* according to the same rule. If it be her four teats that have been injured, eight 'screpalls' shall be paid every year until sixteen 'screpalls' shall have been paid *in* one year. This is in *a case of* certainty; but if it be a doubtful case, four 'screpalls' shall be paid every year until eight 'screpalls' shall have been paid *in* one year.

If it be three of her teats[a] *that have been injured* six 'screpalls' *shall be paid* each year until twelve 'screpalls' shall have been paid *in* one year.

If it be two of her teats[b] *that have been injured*, four 'screpalls' shall be paid each year until eight 'screpalls' shall have been paid in one year. This is in *a case of* certainty; but if it be a doubtful case, two 'screpalls' shall be paid each year until four 'screpalls' shall have been paid *in* one year.

If it be one teat *that has been injured*, two 'screpalls' shall be paid each year until four 'screpalls' shall have been paid *in* one year. This is in *a case of* certainty; but if it be a doubtful case, one 'screpall' shall be paid each year until two 'screpalls' shall have been paid *in* one year.

[a] Ir. *Her three teats.*

[b] Ir. *Her two teats.*

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O'D. 1972, &c.

[Mas aine sine is esbadach uirre, scripall co leṫ inn gaċa bliaḋna, no tri scripall aon bliaḋain.

O getar ciall don trailtinċi, is oċtscripall na sailtinċe dic ann.

Masa sreb ro milleḋ an isin trine, in tainmrainne geabus in sine isin uth, gurab e in tainmrainne sin deiric in trine bes isin tsreiḃ.

Loġ a laċta dic gaċa bliaḋna co ro ictur loġ laċta ocus sailtinċe aon bliaḋain, ocus ċen naċ ní díc o ṫa sin amaċ; no dono, loġ laċta dic in cet bliaḋain, ocus loġ laċta ocus sailtinċi dic an bliaḋain tanuiste, ocus cenach ní dic o ṫa sin amaċ; no dono, loġ laċṫa dic cenn da bliaḋain, ocus cen ní dic o ṫa sin amach.

Ma tainic in trailtinchi imuiġ ria cinn blaḋna, cid isin lo deiġenaċ don bliaḋain ti hi, is airic loiġeċta na sailtinchi amach; muna tainic, is a neimairic. No dono, co nairecṫa, uair is eiric fogail. In tan is bo ceitri scripall fichit sin; in tan imurro, is bo fichi scripall, is tri sine ro loiteḋ di, is deic fcripaill i naon bliaḋain, no cuic scripaill caċa bliadna. In tan is da ṡine, is cuic scripaill in aon bliaḋain, no da scripall co leṫ gaċa bliadna. In tan imurro is aon sine, is da screpall co leṫ gaċa bliaḋna, no screpall co ceṫruime scripuill aon bliaḋain.

Ma tainic in laċt di iartain, is in ní fuil ar sgaṫ sailtinċi dairec. In tan is marḃ, no do ċuaiḋ imuġa, cen airec in ní tuc ar scaṫ sailtinche. In tan imurro na tucad imach iní fuil ar scaṫ sailtinċe, cen a airic imach.

Maḋ tri ṡine bus esbaḋach di, is ceiṫre scripaill co

If it be one teat that is defective in her, a 'screpall' and a half *shall be paid* for it every year, or three 'screpalls' *in* one year.

When every idea of the expectation is abandoned, the eight 'screpalls' of the expectation shall be paid for it.

If it be the milk-passage that was destroyed in the teat, the proportion which the teat bears to the udder is the proportion of the 'eric'-fine for the teat that shall be *due* for the milk-passage.

The value of the milk shall be paid every year until the value of the milk and of the expectation be paid *in* one year, and nothing shall be paid from that forth; or else, the value of the milk shall be paid the first year, and the value of the milk and of the expectation *of calves* the second year, but nothing shall be paid from that forth; or else, the value of the milk shall be paid till the end of two years, but nothing shall be paid from that forth.

If the expectation came outside before the end of a year, even if it be on the last day of the year it comes, the value of the expectation is to be returned out; if it has not come, it (*the value, &c.*) is not to be returned. Or else, *according to others,* it is to be paid back, since it is 'eric'-fine for trespass. This is when it is a cow of four and twenty 'screpalls' *worth that is in question;* but when it is a cow of twenty 'screpalls' *worth, and* three of her teats were spoiled, it (*the payment*) is ten 'screpalls' in one year, or five 'screpalls' every year. When it is two teats *that were spoiled,* it (*the payment*) is four 'screpalls' in one year, or two 'screpalls' and a half every year. When, however, it is one teat *that was spoiled,* it (*the payment*) is two 'screpalls' and a half every year, or a 'screpall' and a fourth of a 'screpall' in one year.

If the milk came to her afterwards, the thing which is for the sake of expectation is to be returned. When she dies or has gone astray, what was given for the sake of the expectation is not to be returned. When, however, that which is for the expectation was not given out, it is not to be paid out.

If it is three teats that are defective in her, it is four 'screpalls' and a half *that are to be paid* every year, or nine

leṫ gaċa bliaḋna, no noi scripaill aon bliaḋain. Ocus ciḋ be dib ris bud roġa a ic in aoinfeċt, amlaid sin, cuit sailtinche. Maḋ ferr las in fer eile furrnaiḋe na sailtince, iseḋ raġus do, uair iseḋ is dliġeḋ ann .i. a roġa do fir fertana na cneiḋe.

Maḋ in aoinfeċt íctur, ocus tainic in trailtinche iar sin, is a airic amach ma isin bliaḋain is nesa ṫí si cetamus. Mas gaċa bliaḋain ictur in trailtinċe, ciḋ gat gattur tall in bó fein. no ciḋ crech fiallaċ bescna, ictur a sailtinche ris í cen bud aicinta a beṫ a mbetaiḋ, cin crine da breiṫ. Mara bás fo geib ṫall hì, no da mbera galur a croḋ féin uile, no difoiche de, no crine, no faill imcoiméta, no crech neimbescna dia mbreiṫ uile, noco nícar ni don trailtinche ris o sin amach.

Da fagbaiḋ immurro in crech no in galar ní aige, ícthar a sailtinche beos ris.

Ca hairet beiṫir ica ic fein? .i. co mbereḋ crech fiallaċ nembescna iat, no difoiche de, no crine; no, is e airet beṫer ic a híc gurab cinti nemtarraċtain na sailtinċi amuiġ, ocus o bus cinnti, loġ laċta ocus sailtinċi dic ann in bliadain sin, ocus cin ni dic ann o ṫa sin amaċ. No dono ċena, comad loġ laċta dic ann in cét bliaḋain, ocus loġ laċta ocus sailtinchi dic amaċ in bliadain tanaise, ocus cen ní dic ann o ṫa sin amaċ. No dono cena, o ro icfaiḋṫea loġ laċta ocus sailtinċe amaċ co cenn mbliadna, co na hicṫa ni ann tairis sin].

'screpalls' in one year. And whichever of them is his choice, he shall pay the consideration for expectation at the same time in this manner. If the other man prefers to wait for the result of the expectation, it shall be ceded to him, for the law of the case is, "the inflicter of the wound has his choice."

If it is at once it is paid, and the expectation came afterwards, it is to be paid out, if it (*the expectation*) came first in the next year. If the expectation is paid for every year, though the cow herself may have been stolen *within*, or plundered from people outside who have a 'bescna'-compact, the expectation shall be paid for, as long as it is natural that she should be living, and not overtaken by decay. If she has died within, or if disease has carried off all her young, or the visitation of God, or decay, or neglect of keeping, or the plundering act of people with whom there was not a 'bescna'-compact, has carried them all off, nothing shall be paid to him for the expectation from that forth.

If, however, the plundering or the disease has left something *of the value of the young* with him, his expectation shall be paid him.

How long will this continue to be paid? That is, until the plundering act of a party with whom there is not a 'bescna'-compact shall have carried them off, or the visitation of God, or decay; or, *according to others*, the time during which it will be paid, is until the non-appearance of the expectation is ascertained outside, and when it is certain *that there will be no increase*, the value of the milk and of the expectation shall be paid for it that year, and nothing shall be paid for it from that forth. Or else, *according to others*, the value of the milk is to be paid for the first year, and the value of the milk and of the expectation shall be paid out the second year, and nothing shall be paid from that forth. Or else, *according to others*, after the price of the milk and of the expectation shall have been paid to the end of a year, nothing more shall be paid beyond that *time*.

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No dono cena, o ro icfaiṫea log laċta ocus sailtinċi amaċ co cenn da bliadain co na icta ní and tairis sin. Ocus o getair ciall don tsailtinċi, is oċt scripaill na sailtinċi dic.

Ma tainic in tsailtinċi amuiċ iardain, in cutruma tucad ar seaṫ sailtinċi ann dairec amuiċ; no dono, co na airicṫea, uair is eiric foġla.

C. 1782. [Seisid isin cluais go neistaċt, ce be rob, no isin aḋairc go na slibac, no isin nerball go cnaim; aile deg isin cluais gan eistaċt, no isin aḋairc gan tslibag, ocus in ceṫraime rann fichit isin nerball gan cnaim.]

In bo treiniugad uirre: trian ar seaṫ a colla, trian ar seaṫ a sailtinċi, trian ar seaṫ a laċta ocus a laiġ; a teora cethruimṫi ar in laċt, ocus a cethruimṫi ar in laeġ, in trian ata ar seaṫ a laċta ocus a laiġ, se scripaill deiside ar seaṫ laċta, ocus da screpall ar seaṫ O'D. 1971. laiġ [.i. cid firend, ciḋ boinenn é, in la berar; ocus bo ceiṫre scripall fichet hi.]

In dam, treiniugad air: trian ar seaiṫ a colla, ocus trian ar seaṫ a gnimraid, ocus trian ar seaṫ a sailtinċi iardain.

C. 1782. [In tarb, treiniuġuġ air; trian ar seait a colla, ocus trian ar seaiṫ a gnima, ocus trian air seaiṫ a tsailtinċe.]

Cach set aca ta colann, ocus sailtinċi, ocus laċt, is treiniugad air. Cach set ac na fuil aċt colann ocus sailtinċi, no colann ocus laċt, is roind ar do. Cach set C. 1782. dib ac na fuil [laċt na gnimrad, ocus ac na fuil sailtinċe iardain], aċt colann nama, is airdmes comaiṫeċ air, aċt mana mart cana aicillne, ocus marreḋ, is ceithri scripaill air.

Or else indeed, *according to others,* when the value of the milk and the expectation has been paid out to the end of two years there shall be nothing paid for it from that forth. And when it is ascertained that there is no expectation, the eight 'screpalls,' *the value* of the expectation, are to be paid.

If the expectation came outside afterwards, the amount that had been given for the expectation shall be returned *to the man* outside; or indeed, *according to* others, it is not to be returned, because it is 'eric'-fine for an injury *that shall be paid.*

A sixth *shall be paid* for the ear that has hearing,[a] *of* what beast soever, or for the horn with its pith, or for the tail with *its* bone; one-twelfth for the ear without hearing, or for the horn without pith, and the twenty-fourth part for the tail without bone.

The cow has a tripartite division; *viz.,* one-third for her body, one-third for her expectation, *and* one-third for her milk and her calf; three-fourths of it (*the last third*) *are* for the milk, and one-third for the calf, *i.e.* of the third which is for the milk and the calf, six 'screpalls' are for the milk, and two 'screpalls' for the calf, i.e. whether bull or cow calf, the day it is calved; and it (*the cow in question*) is a cow of four-and-twenty 'screpalls' *value.*

The ox has a tripartite division; *viz.,* one-third for its body, and one-third for its work, and one-third for its expectation afterwards.

The bull has a tripartite division: one-third for his body, and one-third for his work, and one-third for his expectation.

Every 'sed' that has a body, and expectation, and milk, has a tripartite division. Every 'sed' that has but body and expectation, or body and milk, is to be divided into two *parts. As to* every 'sed' of them that has neither milk nor work, and that has not expectation afterwards, but body only, the arbitration of neighbours is *to be had* respecting it, unless it be a beef in 'cain aigillne'-law, and if it is, four 'screpalls' are *to be the value* for it.

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[a] Ir. *With hearing.*

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In tech, trenugad air: trian ar scat̆ a colla, trian ar scat̆ a sailtinc̆i, trian ar scat̆ a gnimraid. Aile dec a mathar ar in serrach in uair berair he, am̃ail ata aili dec ar in laeg̃ in uair berair he; no,[co]mad let̆ aile dec a at̆ar in inbaid is ferr in tathair.

Mana fuil act̆ coland ocus sailtinc̆i, no coland ocus gnimrad, is roind ar do. Mana fuil act̆ coland nama, noco nuil nac̆ ni, uair noco maín marta he.

In muc, treinugad uirre: trian ar scat̆ a colla, trian ar scat̆ a sailtinc̆i, ocus trian ar sceath a hail; ocus is cetraid̆ comad ina broind ro milled he; ocus damad ar na breit̆, is pingind ar cac̆ norc co rice tri horcu, no comad co nae norcu, masa cindti co tibrad ass he.

C. 1785. [In muc, mase a carna is esbadac̆ uirri is a hat̆c̆ur, ocus muc a comaicinta tar eisi.

Mase al na bliadna is easbadac̆ di, trian a nurcomair a hail, ocus trian a nurcomair a colla, ocus trian a nurcomair a sailtince.

Masa ní da hal (.i. da rinnib tra) is easbadac̆ uirre, in tainmrainne do triun icair gac̆a bliadain, no a da coibeis aon bliadain; trian ar scat̆ a hail, ocus ina broinn ro milled̆ in tal ann sin; ocus damad ar na breit̆, is pinginn ar gac norc go ruigi nai norca, no tri orca .i. nomad loig̃e a mathar sin, amail ata a nuan caorac̆ na tri scriboll.]

In muc rirenn, roind ar do uirre.

C. 1785. [In lair, treinugad uirri; trian ar scat̆ a colla, ocus trian ar scat̆ a sailtinc̆i, ocus trian ar scat̆ a serraig̃ ocus a gnimra.

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[1] *That it would have given milk.* For "tibrad ass he," O'D. 1977, reads "co tibritis as."

The horse has a tripartite division; one-third for its body, one-third for its expectation, *and* one-third for its work. The one-twelfth of *the value of* its dam *is to be given* for the foal when it is foaled, *just* as the calf is worth the one-twelfth *of the value of its dam* when it is calved; or *according to others,* it is the one-half of the twelfth of *the value of* its sire when the sire is better.

If it (*the* '*sed*') has only body and expectation, or body and work, it is to be divided into two. If it has but body only, there is nothing *for it,* because it is not a beef carcass.

The pig has a tripartite division; one-third for her body one-third for her expectation, and one-third for her farrow; and it is an opinion that it was in her uterus it (*the young*) was destroyed; but if it was after farrowing, it is a 'pinginn' for every young pig as far as three young pigs, or it may be as far as nine young pigs, if it be certain that it would have given *milk to them.*[1]

As regards the pig, if it be its flesh that is deficient in it, it (*the pig*) is to be returned, and a pig of the same nature *is to be given* in lieu of it.

If it be the litter of the year that is deficient in her *case,* one-third *shall be paid* in consideration of her litter, and one-third in consideration of her body, and one-third in consideration of her expectation.

If it be part of her litter (i.e. of her teats) that is deficient in her, the proportion of a third shall be paid every year, or twice as much *in* one year; one-third on account of her litter, and it was in the uterus the litter was injured in this case; and if it were after they were brought forth, a 'pinginn' shall be *paid* for every young pig as far as nine young pigs, or, *according to others,* three young pigs, i.e. this *is* the ninth part of the price of their dam, as is *paid* for the lamb of a sheep of *the value of* the three 'screpalls.'

The he-pig has a tripartite division.

The mare has a tripartite division; one-third in consideration of her body, and one-third in consideration of her expectation, and one-third in consideration of her foal and her work.

Mas e a huṫ is easbadaċ uirre, is a haṫchur, ocus lair a comaicinta tar a heisi.

Mas e serraċ na bliaḋna is esbadaċ uirre, is a haṫchur, ocus lair a comaicinta tar a heisi.

Mas é serraċ na bliaḋna as esbadach uirri, trian a nurcomair a serraiġ, ocus trian a nurcomair a gnimra, ocus trian a nurcomair a sailtinche.

Mas e an dara sine is esbaḋaċ uirre, ma ta beaṫuġ[ad] a serraiġ isin sine aile, aithgin inn ocus orṫas, ocus muna fuil, is trian fuil inn. Ocus mas a mbroinn .i. a mathar, ro milled in serraċ, is nomaḋ loiġi a mathar inn. Ocus mas ar an aċaḋ, is aile deg a mathar inn.

Cid fodera co na mo ina milleḋ a mbroind a mathar na ar nacha, ocus gona mo is nesaṁ é ar an acha? Is é an faṫ fodera, moḋ ṫraoilter foglaḋ dras di ina milleḋ ina broinn na ar naċa.

Aile deg ar an serraċ, .i. a mathar, in lá berar é, ciḋ firinn ciḋ boinann, amail ata aile deg a mathar ar an laoġ in uair berar é; ocus reir in mathair is cosmail annsin é, ocus mas reir in nathair imorro, is aile deg a athar air: ocus mana cosmail le ceċtar de itir é, is leṫ aile deg o cectar dib ann in inbuiḋ is ferr ro bui in tathair, cona aile deg comlan sin.

In teċ firinn, is rainn ar do fuirri.]
In muc firenn, roind ar do uirre.
In caera, treiniugad uirre; trian ar scáṫ a colla, trian ar scáṫ a sailtinċi, trian ar scaṫ a holla ocus a h[u]ain
O'D. 1976. ocus a [laċta.[1] .i. pingind ar scaṫ a huain, ocus pingind

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[1] *Her milk.* For "laċta," milk.—O'D. 1479, reads "sailtinci," expectation *of a calf*, &c.

If it be her udder that is deficient in her, she is to be returned, and a mare of the same nature *is to be given* in lieu of her.

If it be the foal of the year that is deficient in her, she is to be returned, and a mare of the same nature *is to be given* in lieu of her.

If it be the foal of the year that is deficient in her, *then, according to others,* one-third *shall be given* in consideration of her foal, and one-third in consideration of her work, and one-third in consideration of her expectation.

If it be one teat[a] that is deficient in her, if there be the feeding of her foal in the other teat, *there is* compensation for it and sick-maintenance, and if there be not, there shall be one-third *paid* for it. And if it is in the uterus, i.e. of its dam, the foal was destroyed, it is the ninth part of *the value of* the dam *that shall be paid* for it, and if it be on the field *it was destroyed,* the twelfth part of *the value of* the dam *shall be paid.*

[a] Ir. *The second teat.*

What is the reason that there is more *to be paid* for destroying it in the uterus of its dam, than *when destroyed* on the field? The reason is, it is supposed that greater injury will result to her (*the dam*) for destroying it in her uterus than in the field.

One-twelfth *is to be given* for the foal, i.e. *one-twelfth of the value* of its dam, the day it is foaled, whether *it be* male or female, *just* as one-twelfth *of the value* of his dam is *to be given* for the calf at the time it is calved; and it is the dam it is like in this case, but if it be the sire *it is like,* it is one-twelfth *of the value* of the sire *that is to be given* for it; and if it be not like either of them at all, it is half the one-twelfth of each *that is to be given* in the case in which the sire was better, so that this is full one-twelfth.

The male horse has a twofold division.

The he-pig has a twofold division.

The sheep has a threefold division, *viz.*, one-third for her body, one-third for her expectation, one-third for her wool and her lamb and her milk,[1] i.e. a 'pinginn' in consideration of her lamb, and a 'pinginn' and a half in

co leṫ ar scaṫ a holla, .i. ocus olann na bliadna uile sin, ocus leṫ pingind ar scaṫ a laċta. Cura tri scripall sin; ocus cema cura buḋ mo no buḋ luġa na sin hi, is e sin coḃfodail ro biaḋ uirre im treiniuġaḋ.

In cura ḟirenn, is roind ar a ḋó uirre.

Mara cura da scripall hi, pingind ar in olaind, ocus pingind ar an uan ocus ar in laċt, a da trian ar uan, ocus a trian ar in laċt.

In cura; mas e a huṫ uile is esbaḋach uirre, is a hatchur ar culu, ocus cura inich aicinta dar a heisi. Mas é uan ocus laċt na bliadna sin is esbaḋaċ uirre, is treiniuġaḋ uirri; trian a comair a huain ocus a laċta, ocus trian i comair i colla, ocus trian i comair a sailtinchi.

Mara cura da scripall hi, is da pingind ar son a huain ocus a laċta .i. pingind co leṫ ar in laċt, ocus leṫ pinġind ar in uan; uair ceṫruime isin laċt in tuan.

Mas aon ḟine is esbaḋach uirre, ocus ata beṫuġaḋ in uain isin sine eile, teora ceṫruime pinginde in gaċ bliaḋain, no pingind co leṫ aon bliaḋna. Mara cura tri scripall hi, is scripall ar son a huain ocus a laċta .i. da pingind ocus ceṫruime pinginde isin laċt, ocus teora ceṫraime pinginde isin uan; uair cetruime isin laċt in tuan.

Mas aen sine is esbaḋaċ uirre, ocus ata beṫuġaḋ in uain isin sine eile, pinginn ocus oċtmaḋ pinginde ann gaċa bliaḋna, no da pingind co ceṫruime pinginde ann aen bliaḋain.

Olann na caorac a cein bes uirre amail ḟinnfaḋ na rob arċena, ciḋ ḟiu ni iar na buain di.]

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[1] *A fourth of the milk.*—This calculation is evidently wrong, it is one-third according to the previous distribution.

consideration of her wool, i.e. this *is* the wool of the whole year, and half a ‘pinginn’ for her milk. This is a sheep of *the value of* three ‘screpalls;’ and though it should be a sheep *of* greater or less *value* than that, this is the proportion that will be *observed* in its tripartite division.

The male sheep is divided into two parts.

If it be a sheep *of the value* of two ‘screpalls,’ *there is* a ‘pinginn’ for the wool, and a ‘pinginn’ for the lamb and for the milk, *i.e.* two-thirds thereof for the lamb, and one-third for the milk.

As to the sheep, if it be her whole udder that is deficient in her, she is to be returned, and a perfect sheep of the same nature *is to be given* in lieu of her. If it be the lamb and the milk of that year that are deficient in her, there is a tripartite division of her; one-third in consideration of her lamb and her milk, and one-third in consideration of her body, and one-third in consideration of her expectation.

According to others, if she be a sheep *of the value* of two ‘screpalls,’ it is two ‘pinginns’ *that will be paid* for her lamb and her milk, i.e. a ‘pinginn’ and a half for the milk, and half a ‘pinginn’ for the lamb; for the lamb is equal to a fourth of the milk.[1]

If it be one teat that is deficient in her, and the feeding of the lamb is in the other teat, three-fourths of a ‘pinginn’ *shall be paid* in each year, or a ‘pinginn’ and a half *in* one year. If she be a sheep *of the value* of three ‘screpalls,’ there is a ‘screpall’ *to be paid* for her lamb and her milk, i.e. two ‘pinginns’ and one-fourth of a ‘pinginn’ for the milk, and three-fourths of a ‘pinginn’ for the lamb; for the lamb is equal to a fourth of the milk.

If it be one teat that is deficient in her, and the feeding of the lamb is in the other teat, a ‘pinginn’ and the eighth of a ‘pinginn’ *shall be paid* for it every year, or two ‘pinginns’ and one-fourth of a ‘pinginn’ *in* one year.

The wool of the sheep while it is on her *is* like the fur of the beasts in general, though it is worth something when taken off her.

O'D. 1977. In gabar, [treiniuġaḋ air .i.] trian ar scath a colla, trian ar scath a failtinċi, trian ar scaṫ a laċta ocus a mennain; a teora cethruimṫi ar in laċt, ocus a cethruimṫi ar in mennan .i. da trian pingindi ar scaṫ a mendain, ocus pinginn ocus trian pinginne ar scath a lachta.

O'D. 1977. [Ocus gabur da screpall é; uair noċa téit in gabur tar da screpall.]

C. 1787. [An cu do beiṫ amail in muc, ocus an gabar do beiṫ amail in caera, ocus an capall amail in boin, iter erball ocus indrad ocus uth. No dono, mas aon ṫrine millter don lair, is coirrdire ro truma na cneiḋ inn. Ma ta learug a serraiġ isin sine, aiṫgin ocus oṫras inn; ocus muna fuil, is trian inn. Ocus ma é serraċ na bliaḋna millter ann, is trian na laraċ ann; ar ni tarba in laċt da eisi. Ocus mana fuil aċt colann ocus failṫinċe aici, no colann ocus gnimrad, is roinn ar do fuirre; ocus mana fuil aċt colann nama aici, noċa nuil naċ ní air, uair naċ main mart.

An cu: mas e a carna is esbaḋaċ uirri, is aċċor, ocus cu a comaiginta tar a héisi. Ocus mas é al na bliaḋna is esbaḋaċ air, is treiniuġ air. Ocus masa ní da rinnaib is esbaḋaċ air, in tainmrainde do rinnib is esbaḋaċ air, gurab e in tainmrainde don ṫraoileċtain ícar gaċa bliaḋna.

Nomad loiġi, na con in gaċ cuilen dia cuilena, no in cait, co ro scarrat riu, ocus o scerait, is smaċt unnta go ro gaḃait gnimrad orra; ocus o geḃait, is eiric fo aigned a ngimmraid unnta.

An cerc, trenuġ uirri .i. trian ar scat a colla, ocus

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[1] *According to their work.*—O'D. 1978, says, "Eiric in con no in cait, is a gnimrad gebur orro inntib; the 'eric'-fine for the hound and the cat

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The goat has a tripartite division; i.e. one-third *of its value* is for its body, one-third for its expectation, *and* one-third for its milk and its kid; three fourths *of this third* for the milk, and one-fourth for the kid, i.e. two-thirds of a 'pinginn' for its kid, and a 'pinginn' and the third of a 'pinginn' for its milk. And it is a goat *of the value* of two 'screpalls;' for the goat does not exceed two 'screpalls' *in value.*

The hound is like the pig, and the goat is to be like the sheep, and the horse like the cow, as regards tail and fur and udder. Or, *according to others; as regards the mare,* if it be one teat that has been destroyed in the mare, it is body-fine according to the severity of the injury *that shall be paid* for it. If the feeding of her foal be in the *other* teat, there shall be compensation and sick-maintenance for it (*the injury*); and if it be not *in it,* there is one-third *due* for it. And if it be the foal of the year that has been destroyed, it is one-third of *the value of* the mare *that shall be paid* for it; for the milk is *of* no benefit after it (*the foal*). And if she has only body and expectation, or body and work, she is divided *as to value* into two parts; and if she has but body only, there shall be nothing for it, because it is not valuable as beef.

As to the hound; if it be its flesh that is deficient in it, it is to be returned, and a hound of the same nature *is to be given* in place of it. And if it be the litter of the year that is deficient in her, there shall be a tripartite division of her. And if it be a part of her teats that is deficient, the proportion of the teats that are deficient is the proportion of the expectation that shall be paid every year.

The ninth of the price of the hound *is to be given* for every whelp of her whelps; and *the ninth* of *the price of* the cat *for every kitten of her kittens,* until they separate from them (*are suckled*), and when they have separated, it is 'smacht'-fine *that shall be* for them until they are fit for work; and when they are, 'eric'-fine shall be *paid* for them according to the nature of their work.[1]

The hen has a tripartite division, i.e. one-third for

shall be according to the nature of the work they are set to do." That is, hunting or mousing.

THE BOOK OF AICILL. trian ar scaṫ a hail, ocus trian ar scaṫ a s[ailtinċi iartain.] Nomad loiġi na circi in gac en da henaib an
O'D. 1979. airet bet re cois; ocus o scerait, is leṫ loiġi a mathar
O'D. 1979. unnta, [no co tora aimser iunta; ocus o do roḋa aim iunta, is coṁlog in cerc mor ocus in teirin; no dono, in deiṫbir ita itir in mboin mbicc ocus in bó mor gurab hi in deiṫbir cetna bis itir in eirin ocus in rercerc.]

An gé, mas sé a doṫ is esbaḋaċ air, is aṫċur; ocus
O'D. 1978. mas é doṫ na bliaḋna [sin is esbadach air, is treinuġaḋ air; trian a comair a colla, trian a comair áil, ocus trian a comair ḟailtinchi]; ocus mas ní da doṫ is esbaḋaċ,
O'D. 1978. air, gurab e an tainmrainde [don al is esbadac] icar inn.

Seoit reiri roġlaiġther tre anfot, no tre indeiṫbir torba sin; ocus dama tre comraiti, ro bo dire ro truma na cneide inntib, ocus orṫus, ocus eneclann.

Seoit ag na haicinter laċt ocus gnimrad sin, ocus da mad seoit ag na beiṫ laċt no gnimrad iat, rob aiṫgin ocus oṫrus inntib; ocus mas seoit ag na fuil laċt na
O'D. 1979. gnimrad [fo cetoir, ocus aca ta sailtinċe iartain], is
O'D. 1979. airdmes coimiṫaċ air, [aċt man mairt cana aigillne, ocus máseaḋ, ceṫraime scripuill air.

Bo ar uṫ; .i. bó innlaoġ, no bo tre laoġ; no mana fiu oċt screpaill an mart, ocus fos cemo fiu oċt scribaill an mart.]

O'D. 1981. Cid do gni deoraid do urrad [ocus urrad do deoraiḋ]?

.i. in deoraiḋ frecair: is e a aiṫniside, duine meinciḋes

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her body, one-third for her clutch, and one-third for her expectation afterwards. The ninth part of the value of the hen *is given* for every chick of her chickens, as long as they are with her; but when they separate *from her*, it is half the value of their mother *that is given* for them, until the time of laying comes; and when the time of laying has come, the large hen and the pullet are of the same value; or indeed, *according to others*, the difference that is between the large cow and the small cow is the same *proportionate* difference that shall be between the pullet and the full-grown hen.

The goose, if it be its hatching that is deficient, is to be returned; and if it be the hatching of that year that is deficient, there shall be a tripartite division of her; one-third on account of her body, one-third on account of the clutch, and one-third on account of expectation; and if it be part of her clutch that is deficient, the proportion of the clutch that is deficient shall be paid for.

These are 'seds' that are injured through inadvertence, or through unnecessary profit; but if it were by design, 'dire'-fine should be *paid* for them according to the severity of the injury, and sick-maintenance, and honor-price.

These are 'seds' that are not recognized as having milk and *being capable of* work, and if they were 'seds' that may not have milk or *be capable of* work, there should be compensation and sick-maintenance for them; and if they be 'seds' that *actually* have not milk and *are not capable of* work at first, and have expectation afterwards, the arbitration of the neighbours is *to be had* respecting them, unless it be beef of 'cain aigillne,' and if it be, the fourth of a 'screpall' *shall be paid* for it.

A cow for the udder, i.e. an incalf cow, or a cow after calving, or if the beef is not worth eight 'screpalls,' or though beef be worth eight 'screpalls.'

What is it that makes a stranger of a native freeman and a native freeman of a stranger?

That is, an outlawed stranger: he is defined to be a per-

cinta do denum, ocus noco netat in fine a cinta do dichur dib tria na toiċid, no co tucat log ar a cinaid do diċur dib, .i. seċt cumala do flaiṫ, ocus a seċt mbliadna peindi
C. 2541. do [hic se] eclais, ocus a da cumail cairdi cacha leṫe do na ceiṫri leṫib fris ata comcairde; ocus o do berait amlaid sin, is saer iat ar a cintaib, no co tuca nech dib ursgna sceine no bais gráin do; no no co scuirea a eoċu i tir fir fine ar coibfialċaire. Ocus da tucat, nocu soer
O'D. 1982. iat [ar a cintaibh] no co tucat in cutruma cetna ar diċur a cinaid dib aris. Ocus cid re tuaiṫ, cid re eclais, cid re aes cairdi do ne fogal, a dul is na seċt cumalaib
O'D. 1982. uil i laim flaṫa, no co tair a toċaiṫium; [ocus ma tairnig a toċaiṫeam, a fegad cia risi nderna fogail
C. 2541. as a haiṫle sin e, in re tuaiṫ, in re heglais]; [no re haos cairde] ocus mas re aes cairdi, is a dul isin da cumail cairdi; ocus mas re eclais, is a dul is na seċt mbliadnaib peindi uil a laim eclaise, no na seċt cuṁala ar a son. Ocus cid re tuaiṫ do ne fogail eclaise noco teit ní da fuil ac eclais ind, uair naċ dligid tuaṫ pennait. Noco nicann eclais ní re tuaiṫ, uair teit eclais
O'D. 1982. i fiaċaib tuaiṫi, [ocus] n[oċ]a teit tuath i fiaċaiḃ eclaise.

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[1] *Shall have given in this way.*—Dr. O'Donovan remarks on this matter:—"When the outlaw was proclaimed by his family, they were obliged to give up into the hands of the different parties mentioned, certain funds for the payment of his future trespasses. They were then free themselves from the payment of any 'eric'-fines for his subsequent trespasses. These funds appear to have been:—1, seven 'cumhals' placed in the hands of the chief of the territory; 2, seven 'cumhals' in the hands of the church of the territory; and 3, two 'cumhals' in the hands of his neighbours with whom he had entered into 'cairde'-relations. The seven 'cumhals' in the hands of the chief of the territory should be first exhausted in payment of fines for his trespasses. Then, these being exhausted, it should be considered against whom he had trespassed, before any of the other reserved funds could be called upon. If it was against any of those with whom he had entered into 'cairde'-relations, the fine should be paid out of the two 'cumhals' placed in

son who frequently commits crimes, and his family cannot exonerate themselves from his crimes by suing *him for* them, until they pay[a] a price for exonerating themselves from his crimes, i.e. seven 'cumhals' to the chief, and *seven 'cumhals' for* his seven years of penance are paid to the church, and his two 'cumhals' for 'cairde'-relations *are paid* to each of the four parties with which he had mutual 'cairde'-relations; and when they (*the family*) shall have given in this way,[1] they shall be exempt from his crimes, until one of them gives him the use of a knife, or a handful of grain; or until he unyokes his horses in the land of a kinsman out of family-friendship. And if they give *him these*, they shall not be exempt from his crimes until they pay the same amount again for exonerating themselves from his crimes. And whether *it be* against laity, or against a church, or against 'cairde'-allies he committed trespass, it (*the fine*) shall be deducted from[b] the seven 'cumhals' which are in the hands of the chief, until they are exhausted; and if they become exhausted, it is to be seen against whom he has committed trespass afterwards, whether against laity or against a church, or against 'cairde'-allies; and if it be against the 'cairde'-allies, it (*the fine*) shall be deducted[b] from the two 'cumhals' of the 'cairde'-allies; and if it be against a church, it shall be deducted[b] from the *fine for* seven years of penance which is in the hands of the church, or the seven 'cumhals' which are in lieu of it.[2] And if he should commit an ecclesiastical crime against the laity, nothing of what the church has *in her hands* shall be charged with it,[c] for the laity are not entitled to penance. A church pays nothing to the laity, for *the law says*, "a church goes into the debts of the laity, but the laity do not go into the debts of a church."

[a] Ir. *Give.*

[b] Ir. *It is to go into.*

[c] Ir. *Goes into it.*

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their hands. And if he trespassed against a stranger church, the fine should be paid out of the seven 'cumhals' placed in the hands of the church of his native territory, which church was not called upon to pay fines for any trespass he may commit against the laity. If, after all these funds were exhausted, the outlaw returned to his native territory and received the countenance of any one native freeman of his kindred, which might be done by giving him the loan of a knife or a handful of corn, the whole family were bound to give a similar number of 'cumhals' into the hands of the parties before mentioned."

[2] *In lieu of it.* The MSS. are defective here.

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O'D. 1982. [Cid fodera co téit eclais i fiachaib̃ tuait̃i, ocus cona téit tuat̃ i fiachaib eclaisi? Is é in fat̃ fodera: set na dligid tuat̃ ita i laim̃ na heclaisi .i. in pennait; ocus in comad bet̃tar a denam na pendaide, dia nderna fogail re heclais, is a dul a fiachaib eclasa; ocus mas re luc̃t cairde, is a dul is na dicumalaib cairde iar gcaithem̃ coda tuaithe.]

In mac do rine ria ndenum deoraid̃ frecair di is a bith amail cach nduine ndligtec̃ don fine. In mac do rine iar ndenum deoraid recair de, a cin for fine a mathar .i. lan fiac̃ deoraid da setaib ruidilsi budein in a cintaib, ocus berid a coirpdiri.

Is ann is comraiti slan he, slan do cac̃ duine a marbad, C. 2542. slan in inbaid tucad na neic̃e sin romaind[ar], ocus na fuil rig i faill timairc̃ti, ocus na fuil ar griun duine airit̃i, ocus na fuil fer biata airit̃i. Ocus ma ta rig i faill timairc̃ti, is a cin dic do, ocus ni fuil ar cur na ar faic̃ill duine airit̃i isin cric̃; ocus ma ro marbad he, is coirpdiri deoraid̃ bescna dic ann.

Ised is faill timairc̃ti do rig ann, cen a timairc̃tuin re duine airit̃i, no cen a beit̃ ar griun airit̃i, no cen fer biata airit̃i.

Ma ta ar griun duine airit̃i, is a cin dic do, ocus a coirpdiri dic do; ocus ma ro marbad he, is coirpdiri deorad dic and. Ocus ised do ní deoraid de, a ferand do dul uad.

Ma ta fer biata airit̃i aici, is a cin dic do ro aicned biata re ndenum cinad no iar ndenum cinad. Lan fiach is in mbiat̃ad re ndenum cinad, ocus let̃ fiach is in

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[1] *He may be killed with impunity.*—The third 'slan' in the Irish seems redundant. Though found in the MS., E. 3, 5, it is not in the corresponding passage in O'D. 1983, and C. 2543.

What is the reason that a church goes into the debts of the laity, and that the laity do not go into the debts of a church? The reason is: the church has in its hands a 'sed' which the laity have no title to, i.e. penance; and while the penance is being performed, if he has committed a trespass against a church, it (*the penalty*) is to go into the church debts, and if against persons who have[a] 'cairde'-relations *with him*, it is to go as part of the two 'cumhals' of 'cairde'-relation, after the portion of the laity is spent.

The son whom he had begotten before he had been made an outlaw is to be like every other lawful man of the family. *As to* the son whom he may have begotten after he had been made an outlaw, his liabilities shall be on the family of his mother, i.e. *they pay* the full debt of a stranger out of their own rightful 'seds' for his liabilities, and they obtain his body-fine.

The case in which a man[b] may be killed with impunity, *i.e.* every person is exempt *from liability* for killing him, is when these things before mentioned were given for him, and the king has not neglected to restrain him, and he is not on the land of any particular person, and there is no particular person who feeds *him*. But if the king has neglected to restrain him, and if he is not in the employment or hire of any particular person in the territory, he (*the king*) shall pay for his crime; and if he be killed, the body-fine of a stranger who has a 'bescna'-compact shall be paid for it.

Neglect of restraint on the part of the king means, that he did not restrain him to *the employment of* a particular person, or did not have him *living* on a particular land, or fed by a particular person.

If he be on the land of a particular person, he (*the person on whose land he is*) shall pay his liabilities, and shall obtain his body-fine; and if he be killed, it is the body-fine of a stranger that is to be paid for him. And what makes a stranger of him is, his land having gone from him.

If a particular person feeds him, he shall pay for his crime according to the nature of the feeding before or after committing the crimes. Full fine *is to be paid* for the feeding before committing crimes, and half fine for the feeding after

[a] Ir. *Of.*

[b] Ir. *He.*

mbiathad iar ndenam cinad; ocus ictar in lan fiaċ, ocus nocon ictar in leṫ fiaċ, ar is a cin fadeisin icas caċ ann isin mbiaṫad iar ndenum cinad.

Cid fodera co nictar ris in lan fiaċ, ocus naċ ictar ris in leiṫ fiaċ? Is e faṫ fodera, a dualgus inbleogain ictar in lan fiach, ocus a dualgus biata ictar in leṫ fiach.

O'D. 1984. [Ma tairnic na seċt cumala ita illaim flaṫa do tocaiṫem, ocus ni fuil riġ a faill tiumairce, ocus ni fuil ar cur na ar faiṫċill duine airiṫi isin crich é, ocus ni ro biathustar é duine nach saor ar cinaiḋ a biḋ, annsin is comraite slan é, ocus is slan da cach duine a marbaḋ].

C. 2543. [Duine sin ocus a cinta for trebairi, ocus do rinne fogail amuiċ e iar sin; ocus tangus dagra a cina for an ti aga raibe se gus trasda; ocus ni feas nach aigi ro fogail; ocus is iseid ruc eolus amaċ gus an ina raibe. No dono, is reis fein ro foglaiḋ, ocus dagra fiaċ do fein do ċuaiḋ amaċ ann sin e.

Cid deoraid tar criċ, no deoraiḋ criche, no ciḋ urraḋ aon criche don ti roḋ ninngaib é; * * uair dama deoraid a reċtar cuiciḋ ro gab do laim e gona cinta, noċa nícfa a cin in ti dar gabaḋ do laim é, ocus nocha ninnsaiġfeṫ ar nech .i. urraḋ ro gab do laim gona cinta sunn, ocus an tí ro gab do laim é, lan fiaċ an cina do dena do íc do; ocus nesa fine ann na lesa, no ciḋ comfocus; uair na dernsat deoraid freacair de, is ina roġa sum ata cid be dib aicerus. Ocus ise a roġa sum fine dacra, ocus ica lan fiaċ sisin feichem toicheda, ocus toiḃgi lan fiaċ cuca amuiċ don ti ro gabustar do laim é gona cinta.

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[1] *Against himself.* That is, it would seem, against the man with whom he had recently lived.

[2] *Or a stranger within the border.*—The reading in the MS. Egerton, 88, 45, appears to be "teora, three," for which Professor O'Curry in his transcript, p. 2543, conjectured "deoraid, a stranger. If the true reading be "teora," the meaning would be a "stranger beyond three territories."

[3] *To shelter him.*—There is a defect in the MS. here, hence the passage is unintelligible.

committing crimes; and the full fine is paid, and the half fine is not paid, because it is for his own crime that everyone pays in the case for feeding *him* after committing crimes.

What is the reason that the full fine is paid by him, and the half fine is not paid by him? The reason is, the full fine is paid on account of kindred, and the half fine is paid on account of feeding.

If the seven 'cumhals' in the hands of the chief happened to be exhausted, and the king has not neglected his restraint, and he (*the outlaw's son*) is not in the employment or hire of any particular person in the territory, and no person who is not exempt from crime in feeding him has fed him, then he may be killed with impunity, and any person is safe who kills him.

This is a person whose crimes were upon security, and he committed trespass outside afterwards; and they came to sue the person with whom he recently was, for his crime; and it is not known but that it was *while* with him he trespassed; and it was he that brought word out to the place where he was. Or else, the trespass was committed against himself,[1] and *it was* to demand debts for himself he went out on this occasion.

Whether he be a stranger outside the border, or a stranger within the border,[2] or a native freeman of the same territory as the person who undertook *to shelter* him;[3] * * for if it was a stranger of another province that undertook to be accountable for him,[a] together with his crimes, the person by whom he was taken in hand, shall not pay for his crimes; and no one shall be sued for him,[4] * * i.e. a native freeman he took in hand with his crimes here, and the person who took him in hand shall pay full fine for the crime he commits; and here family is nearer *relation* than bed, or it may be neighbourhood; *and* as they have not made an outlaw of him, he (*the person aggrieved*) has his choice which of them he will sue. And his choice is to sue the family, and they shall pay full fine to the plaintiff, and they shall recover full fine outside from the person who had taken him in hand with his crimes.

[a] Ir. *Took him in hand.*

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[4] *And no one shall be sued for him.*—The MS. is again defective here. The passage is accordingly unintelligible.

Se ba gu nuingi for neċ biaṫar fear nurfocra tar criċ .i. cumal ban abaḋ ro a lesuġ ocus a comairleġaḋ anurraid na tic ro luiġi cana, ocus cuid a ceill an uinge; aċt is gin coll cana patraic do berar .i. ata aċt and gurab gan dena neiċ is urrcuillte isin riaġail ro patraic do berar sin for tir mbiaṫa; ocus for, da ndearna fogail, ata eiric na fogla uaḋa re sin.

Bo go niungi for neċ biaṫus mac no ingin a ceile iar nurfogra .i. cethraime cumaile sin a leasugad ocus a comairlegad ban ocus mac na murcartha na tig ro luiġ cana, gu naithi budein cuca; ocus muna aiṫíḋis, rosa slan.

Bo ocus cuig screpaill deg for nech biaṫar eistec natreba. Inonn sin ocus a ní romainn, aċt cuite geill rig cuige tuc ar aird sunn: da screbaill isin mboin, ocus screbull isin tramaisc.]

Acus munad.

.i. in dalta, aċt mar a dan dliġṫeċ co dan indliġṫeċ rucad he; aċt mara codnaċ he, slan cen ní dic fir fein, ocus eneclann dic re cennaib, ocus re ċoibdelaċaib, ocus do caċ aen da mbiad fogail eneclainni ina marbad. A biathad ocus a eitiud ac denum a dana indliġṫiġ; ocus i necmais a fineċaire sin, ocus damad na fiadnaise, noco biad ni do ceċtar de.

Mara eccodnaċ he, ocus in necmais a fineċaire, eneclann dic fir fein, ocus eneclann dic re cennaib, ocus re coibdelaċaib, ocus do caċ aen da mbiad fogail eneclainni ina marbaḋ; ocus a biaṫad ocus a eited for. Mara beocned ro ferad air, is coirpdiri a beocneiḋi dic re finechaire.

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[1] For "fogail," of the MS. Dr. O'Donovan suggested "fodail," and translated accordingly.

Six cows with an ounce *of silver is the penalty* upon a person who shall diet a proclaimed man beyond the territory: i.e. this is a 'cumhal' of white proclamation, for supporting and advising a fugitive who does not come under the oath of 'cain'-law, and his partner's share of the ounce; but it is without violating the 'cain'-law of Patrick it is given, i.e. there is a condition that this *fine* is imposed upon the feeder when nothing that is forbidden in this rule of Patrick is committed; and moreover, if he (*the fugitive*) committed trespass, 'eric'-fine for the trespass is *due* from him in addition.

A cow with an ounce *is the fine* upon the person who feeds a son or daughter of another after being proclaimed, i.e. this is the fourth of a 'cumhal' for supporting and advising the women and sons of the foreigners who do not come under the oath of 'cain'-law, until they themselves, (*i.e. the parents*) visit them; but if they visit them, he (*the person who feeds them*) is exempt.

A cow and fifteen 'screpalls' *is the fine* upon the person who feeds a houseless person. This is the same as the foregoing, except that the share of the pledge of a king of a province is brought forward here; two 'screpalls' for the cow, and one 'screpall' for the 'samhaisc'-heifer.

And teaching.

That is, the pupil, if he was brought from a lawful to an unlawful profession; but if he is a sensible adult, there is exemption from paying anything to himself, but honour-price is to be paid to *his* chiefs,[a] and to *his* relations, and to everyone who would have a share[1] of the honour-price for his being killed. He is to be fed and clothed while learning his unlawful profession; and this *is* in the absence of his family, and if it were in their presence, there would be nothing *due* to either of them.

[a] Ir. *Heads.*

If he be a non-sensible person, and *if it be* in the absence of his family, honour-price shall be paid to himself, and honour-price shall be paid to *his* chiefs,[a] and to *his* relations, and to everyone who would have a share of honour-price for his being killed; and, moreover, he is to be fed and clothed. If it be a life-wound that has been inflicted on him, the body-fine for his life-wound shall be paid to *his* family.

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Mas a fiadnaise a fineċaire, slan can ní dic ris in fine ann, ocus eneclann dic risium; ocus masa beocned ro ferad air, is coirpdiri a beocneidi dic risium; ocus masa marbad, is a breiṫ do fineċaire. A biathad ocus a eited fos ac denum a dana indliġṫiġ, ocus se fon comat re ro bai ac denam a dana indliġṫiġ in cach inad dib sin.

Mas o dan dliġṫeċ co dan dliġṫeċ rucad he, masa cutruma loġ in dana o rucad he ocus loġ in dana do cum i rucad, no cid mo loġ in dana o rucad, icad in taiti rucustar loġ in dana da denad ac an aiti o rucad; ocus is cetfaid co mbeiṫ eneclann don aiti.

Masa mo log in dana cus a rucad he, icad in taiti rucustar log in dana do denad ac in naiti o rucad, ocus toibged a imarcraid ma conic, ocus mana cumaic, is a dul re lar.

No dingbail for curu bel.

.i. in turraḋ aċtaiġṫi; aċt ma ro aċtaiġed is eiric urraiḋ ind bodéin ocus ina claind, a beiṫ ind bodein ocus a beiṫ ina ċlaind. Ma ro aċtaiġeḋ eiric urraiḋ ind bodein, ocus nir aċtaig a beiṫ ina claind; no ma ro aċtaig a beiṫ ina ċlaind, ocus nir aċtaiġ a beiṫ ind bodéin; cach ní ro aċtaiġ is a beiṫ do, cach ní nar aċtaig is a neimbeiṫ.

In clann do rine rias in achtugaḋ .i. ria cennach in feraind, is a mbeith ina ndeoradaib. In cland do rine iarr in achtugaḋ, is a mbiṫ na nurradaib, .i. iar cennaċ in feraind; ocus o bias inad aṫa no muilind dferand diles ac duine, no o ceindeoċus, do ní urraḋ de.

If it was in the presence of his family *he was taught*, there is exemption from paying anything to the family for it, but honour-price shall be paid to himself; and if it be a life-wound that has been inflicted on him, the body-fine for his life-wound shall be paid to himself; and if he be killed, it (*the fine for it*) shall be obtained by his family. He shall be also fed and clothed while learning his unlawful profession, and it (*the fine*) is proportioned to the length of time that he has been learning his unlawful profession in each case of these.

If he has been brought from a lawful profession to a lawful profession, if the price *of learning* the profession from which he had been taken, and the price of the profession to which he has been brought, are equal, or, though the price of the profession from which he was taken be greater, the teacher who has taken him shall pay the teacher from whom he was taken away the price of teaching the profession; and it is an opinion *of some lawyers* that the *former* teacher should have honour-price *also*.

If the price of the profession to which he has been brought is greater, the teacher who has taken him shall pay the teacher from whom he has been taken the price of learning the profession, and let him recover the difference[a] if he can, and if he cannot, it (*the fine*) shall fall to the ground.

[a] Ir. *Excess*

Or evading verbal engagements.

That is, the stipulating native freeman; if he has stipulated that the 'eric'-fine of a native freeman should be for himself and for his children, it shall be for himself and for his children. If he has stipulated *that* the 'eric'-fine of a native freeman *should be* for himself, and did not stipulate that it should be for his children; or if he stipulated that it should be for his children and did not stipulate that it should be for himself; whatever he has stipulated he shall have, whatever he has not stipulated, he shall not have.

The children whom he begot before the stipulation, i.e. before purchase of the land, shall be strangers. The children whom he begot after the stipulation, i.e. after the purchase of the land, shall be native freemen; and when a man has the site of a kiln or of a mill of rightful land, or when he shall purchase *such*, it makes a native freeman of him.

Is ar gabar eisein: Is urraḋ imurro in deoraiḋ crenas seilb.

C. 1619. Mara grad seċta ro [f]acaib a [f]aesam for duine naċ loman comarba, no mara duine naċ grad seċta ro facaib a faesam for loman comarba, cuic seoit do ceċtar de; no cumad cuic seoit doiḃ mar aen, ocus da trian dfir in faesma, ocus aen trian dfir na athgabala, ocus in athgabail do lecan ro ċaill.

O'D. 1987. Taircsin dligiḋ i leṫ re creċaib ocus re cnedaib, [geibiḋ greim] fir faesma no airbirta foesma i leiṫ re cnedaib ocus re creċaib. Mana fuil taircsiu dligiḋ, no cu namail tarba; geibid greim fir faesma, no airbert foesma i leiṫ re athgabail, cen co roib taircsi dligiḋ.

Bliadain don loman comarba im a sencintaib fein ocus im sencintaib a athar; mí do imm a nuacintaib fein ocus im nuacintaib a athar. Raiṫi don codnaċ im a sencintaib fein ocus im seincintaib a athar, ocus seċtmain do im a nuacintaib fein ocus im nuacintaib a athar.

Canas a ngabar in mi ata don eccodnach im a nuacintaib fein ocus im nuacintaib a athar?

C. 1619. Is ar gabair: aṁail is e aile dec in raiṫi [ata do codnaċ im a sincintaib buḋein ocus im sincintaib a athar] in
C. 1619. seċtmain ata do im a nuacintaib [buḋein ocus im nuacintaib a athar,] coir no dcisside, uair is bliadain ata don eccodnaċ im a sencintaib fein ocus im sencintaib a
C. 1619. athar, cemad mí do beṫ do im a nuacintaib [buḋein ocus im nuacintaib a athar] .i. ciamad aili dec na bliadna sin.

In turbaid bliadna uil don eccodnaċ im a seincintaib fein ocus im seincintaib a athar, grad seċta ro facaib

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[1] *A minor.*—"Loman comarba," is a minor who has lost his father.

[2] There is something omitted here. For "athgabail" in this place, and in the next sentence, Dr. O'Donovan suggested "aithgin, restitution or compensation."

This is derived from:—"The stranger moreover who purchases property is a native freeman."

If it be a *man of* septenary grade who gave his protection to one that is not a minor,[1] or if it be a person who is not of septenary grade that gave his protection to a minor, five 'seds' *are due* to either of them; or, *according to others,* it may be five 'seds' to both of them, and two-thirds *thereof are* for the protector, and one-third for the man entitled to the distress, and the distress is allowed to escape.[a] [2]

[a] Ir. *Is let into the wood.*

When law is offered with respect to plunderings and wounds, knowledge of protection or being told of protection takes effect respecting wounds and plunderings. If there is no offer of *submitting to* law, *knowledge of protection or being told of protection* has no effect; *but* with respect to distress, knowledge of protection or being told of protection takes effect, although there was no offer of law.

The minor remains[b] a year *under exemption* respecting his own old offences and the old offences of his father; a month respecting his own recent offences and the recent offences of his *deceased* father. The sensible adult remains[b] a quarter *of a year under exemption* respecting his own old offences and the old offences of his father, and a week respecting his own recent offences and the recent offences of his father.

[b] Ir. *Has.*

Whence is derived the month which the minor has for his own recent offences and the recent offences of his father?

It is derived from this:—As the week which the sensible adult has for his own recent offences and the recent offences of his father is the one-twelfth of the quarter of a year which is *allowed* to him for his own old offences and the old offences of his father, it is right from this, that as it is a year the non-sensible person has for his own old offences and the old offences of his father, it is a month, i.e. the one-twelfth of that year,[3] he should have for his own recent offences and the recent offences of his father.

As to the year's exemption which is *allowed* to the non-sensible person for his own old offences and the old offences

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[3] *The one-twelfth of that year.*—The text of this paragraph is corrupt in E, 3–5,—O'D. 1483,—and has been corrected from C. 1619.

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foesam for loman comarba ann; ocus i bail ata in mí ata im a nuacintaib fein, foesum graid reċta fil andso; ocus im a nuacintaib ata in mi do. I bail ata in raiṫi don codnaċ im a seincintaib, turbaid erraig no fogmair tuc duine ar aird ann; is amlaiḋ sin do biad don eccodnach in turbaid erraig no fogmair, damad i in turbaid sin ro airbertnaiged.

In bail ata seċtmain don codnaċ, turbaid erraig no fogmair ro airbertnaig and for, ocus im a nuacintaib ata in seċtmain; ocus is amlaid do biad don eccodnaċ im a nuacintaib, damad i in turbaid [sin] ro airbertnaiged.

C. 1619. O'D. 1989.

[No ina elod iar luighe fo aoth oċath anma.

Derbforġell lui nach nemeḋ do gait o graḋ reċta eile a reċtar maigin. Ocus in coiḃes ita ina ġait do graḋ reċta o ro gataḋ, iseḋ ata dosom, ocus coibeis i fil deneclann inn, ocus seċtmaḋ marḃṫa an graiḋ for a ndernaḋ in derbforġeall.

Mara ṫairce ro icsum imaċ in gait ina ro fes conair eile iat, isa airic dosum a rug uaḋ, ocus lain dire, ocus leṫ dire, ocus trian dire, is na tri ced setaiḃ o ḟir in derḃforgill leo; ocus gabat a seoit fein greim aiṫgina dosum.

Mara ṫairce ro fes in set conair eile ina ro icsum é, in coibeis ro icadsom amaċ ind gin a ḟir, gurab ed icthar fris, ocus lan dire, ocus leṫ dire ocus trian dire is na tri setaiḃ; cona mesa dfer denma in derbforgill in tan na ro hicad na seoit amaċ no in tan ro hicad. Derbforġell

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[1] *That they had gone another way.*—That is; it would seem, that the man accused and made to pay in the first instance, was not the actual thief.

of his father, a *man of* septenary grade has given his protection to the minor in the case; and where the month is *allowed* for his own new offences, the protection of *a man* of septenary grade is *given* here *also;* and *it is* for his new offences the month is *allowed* to him. Where the quarter *of a year* is *allowed* to the sensible adult for his old offences, *it was* the exemption of spring or autumn one pleaded then;[a] and it is so the exemption of spring or autumn would be *allowed* to the minor, if it was that exemption he pleaded.

Where there is a week *allowed* to the sensible adult, *it was* the exemption of spring or autumn he pleaded also, and the week is for his recent offences; and it is thus it (*the exemption*) would be *allowed* to the minor for his new offences, if it was that exemption he should plead.

Or in evading after taking an oath, "ocath anma."

A false oath respecting the stealing of an article of little value belonging to any 'neimedh'-person from another *of* septenary grade, from *a place* outside a precinct. And the amount that is *due* to the *person of* septenary grade for the theft, when the theft takes place, is what is *due* to him, and the amount of honour-price which is *due* for it, and the seventh of death-*fine* of the grade against which the false oath was made.

If he had paid the *penalty for the* theft out sooner than it become known *that they* (*the seds*) *had gone* another way,[1] it (*the penalty*) is to be restored by him who took it from him, and full 'dire'-fine, and half 'dire'-fine, and one-third 'dire'-fine for the three first 'seds' along with them from the man who took[b] the false oath; and his own 'seds' are subject to a claim for compensation for him.

If the 'sed' had been known *to have gone* another way before he had paid *for* it, the amount which he should pay out for it without its being known, is what is paid to him, and full 'dire'-fine, and half 'dire'-fine, and one-third 'dire'-fine for the three *first* 'seds;' so that it is worse for the man who made the false oath when the 'seds' were not paid out than when they were paid. This is *a case of* false swearing

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[a] Ir. *Brought forward.*

[b] Ir. *Of.*

gaiti sin, ocus damad derbforgill cuir no cunnarta, is aiṫgin nama.

Diablad ocus eneclann isin anfocal cuir no cunnarṫa O'D. 1989. [no gill ocus braiġde]. Ocus diablad nama isin anfocal cuir no cunnartha; ocus seċt cumala do smaċt ocus lan eneclainn buḋein a nderbḟorgeall cleṫe for na huaislib; ocus leṫ secht cumala do smaċt ocus lan eneclann budein a nderbforgeall cleṫe for islib.

Gne eile: lu a seċtar saiṫchi, seċtmad eneclainni do cach ind. Lan foirġell co neiṫech lui seċtar saṫchi; ocus leṫ seċtmaiḋ ina raḋ is go do toing, cin foirġell.

Maḋ lan foirgell iga eiliugad o ṫa lu suas, is lan eneclann do ind ina raḋ is go; cin foirġill, is leṫ eneclann.

Mad im lu atreiḃ eiliġther, is leṫ eneclann do ind; mad rad is go, cin foirġill, is cethraime eneclainne.

Ditiu fir muindtiri for droch bescna.

.i. ditin airsin in fir da muindtir mescas a cetol for drochbescna.

Beirid mathair raith maicne.

.i. masa fer cetmuindtire urnadma, ocus fine cen macu, O'D. 1990. is roind ar do [in dibad]. Ma tait meic, is da trian do na macaib, ocus trian dfine.

Masa fer adaltraiġi urnadma, ocus fine cen macu, trian dfir and, ocus da trian dfine; ocus ma tait meic, is roind ar do.

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[1] *An 'adaltrach'-woman of contract.*—This would appear to have been a woman not a first wife, but living as wife with a man, on certain conditions. Frequent mention of persons occupying this position is found in the Brehon Laws.

respecting theft, and if it were false swearing respecting bargain or contract, it is *a case of* compensation only.

Double and honour-price *are due* for the falsehood *in a case* of bargain or contract, or of pledge and hostage. And, *according to others, it is* double only for falsehood *in a case* of bargain or contract; and seven 'cumhals' of 'smacht'-fine and his own full honour-price for false swearing respecting an article of much value against men of high degree; and half seven 'cumhals' of 'smacht'-fine and his own full honour-price for false swearing respecting an article of much value against men of low degree.

Another version: *as to* an article of little value *taken* from *a place* outside a precinct, one-seventh of honor price *is due* for it, to every one. Full testimony *is required to prove* that it was falsehood *he swore* respecting an article of little value outside a green; and half one-seventh *of honour-price is due* for saying "it is a lie he swore," without testimony.

If there be full testimony to impugn him from *the case of* an article of little value upwards, full honour-price is *due* to him for saying "it is a lie;" without testimony, it (*the penalty*) is half honour-price.

If it is respecting an article of little value *stolen* from a house, he is impugned, he has half honour-price for it; if he says "it is a lie," without testimony, it (*the penalty*) is one-fourth of honour-price.

Shelter to the family member for bad 'bescna' compacts.

That is shelter to the man by his family, who uses language dangerous to 'bescna'-relations.

The mother obtains the 'rath'-portion of the sons.

That is, if he be the husband of a first wife of contract, and the family *is* without sons, the property is to be divided in two. If there be sons, two-thirds *go* to the sons, and one-third to the family.

If he be a man living with[a] an adaltrach'-woman of contract,[1] and the family *is* without sons, one-third *of the property goes* to the man in this case, and two-thirds to the family; and if there are sons, it is to be divided in two.

[a] Ir. *of.*

Canas a ngabar in trian ata dfir adaltraiġi urnadma, uair nach indirenn lebar? Is as gabar, o fir cetmuindtere urnadma; seised imarcraid ata do na macaib cetmuindtire urnadma sec̃ fer cetmuindtire urnadma; coir no deiside, cemad seised imarcraid do beit̃ do macaib adaltraiġi urnadma sec̃ fer adaltraiġi urnadma.

C. 1625. [Cin cetmuinntiri for macu ⁊rl.

.i. Cedmuinntir urnadma, co macaib̃; da trian a cinaid̃ for a macaib̃, aon trian for a fine.

O'D. 1993. Dia mbera [mac] do cedmuinntir, ocus ruc mac dfer eile iar sin, rannait a cinaid̃ etorra i ndé, act̃ seisid̃ dimforcraid̃ for mac na cedmuintire; ocus is eisid̃e beres dorom a ḟine. Ocus is e ḟirenaiġer ar in imad cinad̃ icus cechtar de ro leit̃, manab inann mathair doib̃, ocus in seisid ata iter in let̃ ocus an trian; ocus bid̃ amlaid̃ sin cid̃ inann mathair doib.]

Mara fer cetmuindtire foxail, ocus fine cen macu, tri nomaid dfir ann, ocus se nomaid dfine. Cen macu sin; ocus ma tait mic, ceit̃ri nomaid do macaib, ocus cuic nomaid dfine, let̃ ocus let̃ nomad dfine, let̃ cenmot̃a let̃ nomad do macaib.

Mara fer adaltraigi foxail, ocus fine cen macu, is da nomad dfir, ocus sec̃t nomaid dfine. Cen macu sin; ocus ma tait mic, is tri nomaid do macaib, ocus tri nomaid dfine.

Whence is derived the third which is *due* to the man living with the 'adaltrach'-woman of contract, as no book tells it? It is derived from *a comparison with the share of* the husband of the first wife of contract; there is a sixth more *given* to the sons of the first wife of contract than to the husband of the first wife of contract; it is right from this, that the sons of the 'adaltrach'-woman of contract should have a sixth more than the man who lives with the 'adaltrach'-woman of contract.

The liability of the first wife *is to be* on *her* sons, &c.

That is, the first wife of contract, with sons; two-thirds of her liability *are to be* on her sons, one-third on her family.

If she brought forth a son for a first husband *first*, and brought forth a son for another man afterwards, they (*the sons*) divide her liabilities in two between them, but *there is* an excess of one-sixth upon the son of the first husband; and this is taken by him off the family *of the mother*. And what exonerates *the family* from the whole of the liabilities is *what* each of them (*the sons*) pays separately, if their mother be not the same, and the sixth which is between the one-half and the one-third; and this is the case though their mother is the same.

If he be the husband of a first wife of abduction, and the family *be* without sons, three-ninths *are allotted* to the husband in this case, and six-ninths to the family. This is *when they are* without sons; but if there are sons, four-ninths *are thrown* upon the sons, and five-ninths upon the family, *i.e.* one-half, and a half-ninth upon the family, *and* one-half, except a half-ninth upon the sons.

If he be a man living with an 'adaltrach'-woman of abduction, and the family *be* without sons, two-ninths are *allotted* to the man, and seven-ninths to the family. This is *when they are* without sons; but if there be sons, it is three-ninths *that are allotted* to the sons, and three-ninths to the family, *and the remaining three-ninths to the man.*

Tellaiġ imda do niter don dibad risana re tecmaisin sain claindi re saine nathar, no re tecmaisin saine urnadma re haen athair, cemad inand clann. Is e faṫ ar a ndernṫar sin, in cutruma berait mic cetmuinntiri urnadma, corab a leṫ berait fine; ocus in cutruma berait fine, corab a leṫ berait meic adaltraigi urnadma; ocus in cutruma berait mic adaltraiġi urnadma, is a leṫ berus fer adaltraiġi urnadma; ocus in cutruma berus fer adaltraiġi urnadma, cur a leṫ berait meic adaltraigi foxail; in cutruma berait meic adaltraiġi foxail, cur a leṫ berus fer adaltraiġi foxail.

Se ranna[1] do denum don dibad, ocus ceiṫri ranna, ocus oċt ranna, ocus nae ranna, ocus deiċ ranna, ocus aen rann dec.

Ocus caċ uair is se ranna, ceiṫri ranna do macaib cetmuinntiri urnadma, ocus da raind dfine, ocus raind dfir adaltraiġi urnadma.

Cach uair is oċt ranna, ceiṫri ranna do macaib cetmuinntire urnadma, [da] ranna dfine, ocus da raind do macaib adaltraigi urnadma. C. 1628.

Cach uair is nae ranna, is a mbiṫ amail adubramar romaind, aċt fer cucat; cach uair is nae ranna, mac adaltraiġi in foxail cucat.

C. 1627. Cach uair is aen rann dec, [ceiṫri] ranna dib do macaib cetmuinntire urrnadma, ocus da rann dfine, ocus da rann do macaib adaltraiġi foxail, ocus rann dfir foxail; C. 1623. [ocus da rann do macaib adaltraiġi urnadma]. Ocus C. 1628. ce tomaiter ni re [fer] cetmuinntere, no adaltraigi

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[1] *Six parts are made of the property.*—In C. 1627, &c., the divisions are said to be five, and seven, and eight, and nine, and eleven. The numerals, which are nearly all wrong in E. 3–5, O'D. 1486, are there correct throughout.

Many family distributions[a] are made of the property here by the accident of different children by different fathers, or by the accident of different contracts with the one father, though the children be the same. The reason this is done is, of the proportion *of the property* which the sons of the first wife of contract obtain, the family obtains the half; and of the proportion which the family obtains, the sons of the 'adaltrach'-woman of contract obtain the one-half; and of the proportion which the sons of the 'adaltrach'-woman of contract obtain, the man living with the 'adaltrach'-woman of contract obtains the half; and of the proportion which the man living with the 'adaltrach'-woman of contract obtains, the sons of the 'adaltrach'-woman of abduction obtain the half; *and* of the proportion which the sons of the 'adaltrach'-woman of abduction obtain, the man living with the 'adaltrach'-woman of abduction obtains the half.

[a] Ir. *Families, or hearths.*

Six parts are made of the property,[1] and four parts, and eight parts, and nine parts, and ten parts, and eleven parts.

And whenever it is *divided into* six parts,[2] four *of these* parts *are given* to the sons of the first wife of contract, and two parts to the family, and one part to the man living with the 'adaltrach'-woman of contract.

Whenever it is *divided into* eight parts, four parts *go* to the sons of the first wife of contract, two parts[3] to the family, and two parts to the sons of the 'adaltrach'-woman of contract.

Whenever it is *divided into* nine parts, they are to be *distributed* as we have said before, but the man is to be included[b]; whenever it is *divided into* nine parts, the son of the 'adaltrach'-woman of abduction is to be included.[b]

[b] Ir. *With you.*

Whenever it is *divided into* eleven parts, four parts of them *go* to the sons of the first wife of contract, and two parts to the family, and two parts to the sons of the 'adaltrach'-woman of abduction, and one part to the man *living with the 'adaltrach'-woman* of abduction, and two parts to the sons of the 'adaltrach'-woman of contract. And though a part be claimed by the husband of the first wife, or of the

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[2] *Six parts.*—The text is here evidently wrong, as it is clear from what follows that there must have been a sevenfold division.

[3] *Two parts.*—The MS. E. 3–5 here has "five parts," which is plainly wrong.

The Book of Aicill.

sin, ma tait meic ann, noco berait naċ ni. Ocus in cutruma ata do ċlaind foxail, berait foxol trian a cotaċ uataib daiṫib a indligiḋ ar fine beiṫ ina aititin in foxail; uair is fis do ċuaid menma in udair, cumad menci cina cáiċ ina dibad ica comraind; uair in ti ro berad rann mor don dibad ro icfad rann mor don cinaid.

Ocus in cutruma berus foxal don ċlaind foxail, seċt ranna do denum de, ceiṫri ranna do macaib cetmuindtire urnadma, ocus da raind dfine, ocus rann dfir adaltraigi urnadma.

In clann do gentar ru, co mbeṫ coemaċta tobaig in fir re dligeḋ co cend mis ar a aiṫle, is an ndilsi dfir no dfine; ocus an a roġa ata in racfat no na racfat. Ocus da racat, noco nurailenn dligeḋ orrosreic a reic manab ail leo fein.

In clann do gentar iars an mis noco disat ar urnaidm ndligṫiġ; ocus is iat sin is cland cetmuindtire foxail ann, no adaltraiġi foxail.

In cland do gentar iar na tiaċtain ar urnaidm ndligtig, is iat sin is cland cetmuindtere dligṫiġe, no adaltraiġi dligṫiġe.

Mara cin ocus dibad uil and, ocus clann codnaċ ocus clann ecodnaċ, in dibad do dul isin cinaid.

Mara mo in cin ina in dibaḋ, is a ic don ċlaind codnaiġ, ocus icat in clann eccodnaċ riu iardain; no dono ċena, co na ictais do gres, uair is i a neccodnaidetu ro soer iat ar dus.

Mara mo in cin ina in dibad, no mara dibad cen cinaid, is a comraind dóib etarru, ocus is cutruma berait clann codnaċ ocus clann eccodnaċ eiseic.

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[1] *Seven parts.*—C. 1629. has eight parts, of which two are to be given to the sons of the 'adaltrach'-woman of contract.

'adaltrach'-woman, he shall get nothing if there be sons. And *as to* the portion which is *due* to the children *of the 'adaltrach'-woman* of abduction, the abductor shall get a third of their share from them, to avenge their illegal conduct upon the family for having been cognizant of the abduction; for the idea of the author *of this law* was this,[a] that the liabilities of all were more frequently divided than the property; for the person who should get a large share of the property should pay a large share of the liability.

And the portion of which the abduction deprives the children of the abduction is to be divided into seven parts,[1] *of which* four parts *go* to the sons of the first wife of contract, and two parts to the family, and one part to the man living with the 'adaltrach'-woman of contract.

The children that are begotten by them, while there is power to force the man to law, to the end of a month after it (*the abduction*), belong by right to the man or to the family; and it is in their choice whether they will sell or not sell them. And if they sell them *it is of choice, for* the law does not oblige them to sell them if they do not wish it themselves.

The children that are begotten after the month do not come under lawful contract; and these are *styled* "the children of a first wife of abduction" or "of an 'adaltrach'-woman of abduction."

As to the children that are begotten after she has come under lawful contract, it is they that are *styled* "the children of a first lawful wife," or "of a first lawful 'adaltrach'-woman."

If there be liability and property, and children *who are* sensible adults, and children *who are* infants, the property shall go in payment of[b] the liability.

If the liability exceed the property, it is to be paid by the children *who are* sensible adults, and the infant children shall pay them their share afterwards; or, indeed, *as some maintain*, they should never pay them, for it was their state of infancy that exempted them at first.

If the liability exceeds the property, or if it be property free from liability, they are to divide it equally between them, and the adult children and infant children obtain equal shares.

[a] Ir. *It was with this the mind of the author went.*

[b] Ir. *in.*

THE BOOK OF AICILL.

C. 1629.

[1]Ma ta mac ann, noco beirend in ingen [ní do] dibad̃ a mathar no athar, ac̃t lann, ocus rann, ocus bregda; no comad c̃airig ocus cliora; no dono, comad na scuit̃i do comraind doib; ocus is as gabair eisein: randait ingenu fri macu.

Ma tait ingena di ris in fer ro marb ḥi, ocus ingena di re fer aile, cuitig a hathar, ocus let̃ cuit fine do breit̃ dingenaib in fir o na marb hi, ocus let̃ c̃uit fine do breit̃ dingenaib in fir aile; ocus trebaire orro cen a brondad i nindeit̃birius, ocus im a aisec uait̃ib iars an re.

Ma tait ingena di risin fer o nad marb hi, ocus ni fuil ingena di re fer aile, cuitig athar ocus let̃ c̃uit fine do breit̃ dingenaib in fir o nad marb hi.

Ma tait ingena di ris in fer o nad marb hi, ocus meic di ris in fer aile, in cutruma ro beradsum. Ar neimbeit̃ claindi aici, corub ed berait na ingena.

Gaibid diri tuilċe.

.1. cid uat̃ad, cid sochaide tainic ar aigid a aenur isin tulaig̃ dala, do neoc̃ na tainic i nellac̃ na daime neic̃ aile, ocus na tainic ro t̃omus duine urrdalta, is in naenmad rann fichit da eneclainn do i comairci ina fiadnaise.

Masa nellec̃ daime neic̃ aile, noco nuil ni do fein; ocus ata in aenmad rand fichit da eneclainn do tairéc̃ na dáime.

Mas ro t̃omus duine urdalta tancatur, noco nuil ni doibrium and; ocus ata in naenmad rann fichit don ti ro

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[1] *If there be a son.* This is given somewhat differently in O'D. 1996 & C. 1629.

[2] *And security.* For "trebaire" O'D., 1996, reads "coimge."

If there be a son,[1] the daughter does not obtain any part of the property of her mother or father, except the blade of gold, and the silver thread, and the tartan cloth; or, *according to others,* it may be the sheep and the bag *she is to get;* or, indeed, *according to others,* they may divide equally the movable property; and this is derived from: "the daughters share with the sons."

If she has daughters by the husband with whom she died, and daughters by another husband, the share of her father, and half the share of the family shall be obtained by the daughters of the husband with whom she died, and half the share of the family shall be obtained by the daughters of the other husband; and security[2] *is to be given* by them not to damage it unnecessarily, and to return it after the time.

If she has daughters by the husband with whom she died, and has not daughters by another husband, the share of the father and half the share of the family shall be taken by the daughters of the husband with whom she died.

If she has daughters by the husband with whom she died, and sons by the other husband, they shall obtain equal shares. If she has not had *male* children, the daughters shall take it (*the property*).

They take the 'dire'-fine of the hill *of meeting.*

That is, whether one person, or many came to the hill of meeting, before him (*a privileged person who was*) alone, and did not come in the train of the company of another person, and did not come under the guidance of a certain person, the one and twentieth part of his honor-price is *due* to him for any quarrel in his presence.

If *he came* in the train of the company of another person, there is nothing *due* to himself; but the one and twentieth part of his honor-price is *due* to the chief of the company.

If they came under the guidance of a certain person,[3] there is nothing *due* to themselves for it (*the offence*); but the one and twentieth part of honor-price is *due* to the person under

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[3] *The guidance of a certain person.* The paragraph is thus given in C. 1633. "If it was under the guidance of a certain person, nothing is due to any man of them, except the person under whose guidance they came, and the one and twentieth of his own honor-price is due to him."

tancatar tomus, a leṫ do fein, ocus a leṫ do taireċaib na daime; ocus comicait etarru na tairiġ dam fo comairdi no fo leṫairdi. Ocus in cutruma ro soich do cach tairech dáime, a leṫ do fein, ocus a leṫ da daim; ocus caċ aen da daim na fuil ann, is a ċuit do breiṫ dosum, uair is e ro berad a ċuitiġ treabuire.

In aen tig no in naen aireċt sin co naicsin no cen aicsin; no cen co facaig, ni raibi do tigi daine no dimcian criċi etarru ní na faicfed co mbiṫ aiṫġiḋ orro.

Ma ro bi do tiġi daine no dimcian criċi etarru ní na faicfed co mbiṫ aiṫġiḋ orro, ocus maigen sin; ocus ma facaid, ocus is lais in ferann, no ma seċtar maigin, ocus atcondaic, cid lais cen cob lais in ferann, is a leṫ nomad rann fichit.

Ma seċtar maigin, ocus ni facaid, ocus is lais in ferann, is in nomad rann na haenmad rainndi fichit.

Caċ uair na facaid, ocus naċ lais in ferand, cid maigin cid seċtar maiġin, noco nuil ni ann.

Comeirgi sin, ocus mar fogail is mo na comeirgi, in tainmraindi da eneclaind fein ata don ti ris a ndernad in fogail, corab e in tainmraindi sin bes don ti in ndernad fiadnaise. Coṁeirgi re indilseċ; ocus cema diles etarru bodein, ocus o cendaib, ocus o coibdelaċaib, tre fuiririud comardaiṫi cned in uair sin, noco moite is diles a fiaḋnaise.

Má tria fuiririud bi[d]banuis ra imtectaig, amuil bu diles etarru fein ocus o cendaib, ocus o coibdelaċaib, is amlaiḋ do o lucht na fiadnaise.

Ma ro ba diles don dara de ocus indles da raile, slan don ti dar bu dilius, ocus fiach comeirgi on ti dar bu

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[1] *Pay it.*—For "comicait" of the MS., Dr. O'Donovan suggested "compannait, they divide."

[2] *A nine and twentieth part of honor-price.* C. 1633. has "the one and twentieth part."

whose guidance they came, one-half of it to himself, and one-half to the chiefs of the company; and the chiefs of companies pay it[1] among them equally or unequally *according to their rank*. And *of* the portion which comes to each chief of a company, one-half *belongs* to himself, and one-half to his company; and he takes the share of every one of his company who is not present, because it is he that should take *upon him* his (*the absent man's*) share of guarantee.

This is in one house or at one meeting when he (*the privileged person*) saw them, or did not see them; or though he did not see them, there was not such closeness of men or distance of land between them that he could not see so as to recognise them.

If there was such closeness of men or distance of land between them that he could not see so as to recognise them, and this *within* the precinct; and if he saw, and the land is his, or if it be outside the precinct, and he saw, whether the land be his or not, it (*the fine*) is half of a nine and twentieth part *of honor-price*.[2]

If *it be* outside the precinct, and he did not see, and the land is his, it (*the fine*,) is the ninth part of the one and twentieth.

Whenever he did not see, and the land is not his, whether *within* precinct or outside precinct, there is nothing *due to him* in the case.

This is *in a case of* opposition, and if it be injury greater than opposition, the proportion of his own honor-price, which is *due* to the person to whom the injury was done, is the proportion that will be *due* to the person in whose presence it was done. *This is* opposition to an unlawful person; and though it should be lawful between themselves, and from chiefs, and from kinsmen, in consequence of a balancing of wounds at that time, it is not the more lawful in the presence.[3]

If it was in consequence of previous enmity *the offence was committed*, as it would be lawful between themselves, and from chiefs, and from kinsmen, it would be so from those in the presence.

If it was lawful to the one and unlawful to the other, the person to whom it was lawful is exempt, and fine for

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[3] *In the presence.*—For "a ꝼıaꝺnaıꞅe," Dr. O'Donovan suggested "ó luċꞇ ꝼıaḋnaıꞅe"; and for "ꞃa ımꞇeċꞇaıᵹ" of the next line "ꞃeımꞇeċꞇaıᵹ."

indles; ac̆t mun bud e a recra curub da dic̆ur de do rinde in eirgi, ocus mas ed, [islan do].

C. 1635. In tescur, o do gena aiffenn ocus ceilebrad isin tulaig dala, ata sectmad nenclainde do i comeirgi do denum inti co cenn mis, ma do rine iat mar aen, no co cenn dec̆maidi, mana derna ac̆t nec̆tar de.

C. 2537. [Fear erfrisoirg reċta riġ, leba leṫan la cograinn vii. suiḋe.

.i. la ciallrunugad̆ eirc ar na vii. ninad̆a asa tuga biad̆ d̆o. Sluinnter uad̆a na neire vii. tiği .i. aisneid̆ter uad̆a, o neolac̆, na ro herad̆ e as vii. tiği gin biad̆ do. Dosli dia buna briğt̆ar, dofet lam a laim.

Masa leba daer ceile imorro, ocus biatha iar ndenam cinaid̆, ocus nesa leba ann nā riğ, gabt̆ar cubus uat̆a um lan moirseisir ocus um vii. cumala, ocus um vii. let̆fiac̆haib̆; ocus ica leba let̆fiac̆ dib amac̆, ocus ica vii. cumala ocus se let̆fiachaib re riğ. Ocus an tan tic cintac̆ re dliged, ica lan fiac̆ re riğ, ocus gin ni re leba.

Masa biatha ria ndenam china, ocus saorceilsine, ocus a nurrad̆us, gabtar cuib̆ius uait̆ib̆ sin lan an aenfir a nad̆aiğ fec̆t; mas dega a ndega, is dingib̆ cach deiğinac̆ dia raile.

Masa biat̆a iar ndenam china, ocus saorceilsine, ocus a nurrad̆us, gabtar ciub̆es uat̆aib uile sin lan aenfir. A naondfec̆t sin; masa dega a ndegaid, [is let̆ an cina for cac fear]. C. 1636.

Masa biathad ria ndenam cina, ocus daerceilsine, ocus a nurrad̆us, rit̆ go moirseiser orra uile a naenfec̆t; ocus masa dega a ndeğaid̆, is dingaib gac deid̆inac. No, let̆ in

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[1] *His crimes are adjudged on the seven houses in which he gets beds.*—Dr. O'Donovan has thus paraphrased this very obscure clause, which appears to mean literally, "Bed extends with the taking of seven seats;" that is probably, the giving a bed to a culprit renders the parties giving it liable, until he has been entertained thus in seven houses.

opposition *is got* from the person to whom it was unlawful; unless his answer was that it was to defend himself he made the opposition, and if it was, he is exempt.

The bishop, when he has made offering and celebration on the hill of meeting, has the one-seventh of honor-price for opposition being made *to him* on it to the end of a month, if he has made both (*offering and celebration*), or to the end of ten days, if he made only one of them.

As to a man who violates the king's laws, his crimes are adjudged on the seven houses in which he gets beds.[1]

That is, the 'eric'-fine is adjudged to be on the seven places where food was given to him. It is told by him that the seven houses did not refuse *him*; i.e., it is told by him, by the man who knew, that he was not refused in seven houses[2] without food *being given* to him. He incurs a fine, on whose family it (*the crime*) is proved; "hand has in charge from hand."

But if it be the bed of a 'daer'-tenant, and he was fed[a] after committing crime, and "bed is nearer in the case than king," it (*the 'eric'-fine*) shall be got equally from them[3] to the amount of the full *fine* of seven persons, and seven 'cumhals', and seven half-fines; and the bed shall pay one-half fine of them out, and shall pay seven 'cumhals' and six half-fines to the king. And when the criminal submits to law, he shall pay full fine to the king, and there is nothing for bed.

[a] Ir. *Feeding.*

If it was feeding before the commission of crime, and 'saer'-tenancy, and in 'urrudhus'-law, equal proportions are got from them for the full *fine* of the one man for a night's lodging; if in succession, it is *a case of*, "each last person protects the rest."

If it was feeding after commission of crime, and 'saer'-tenancy, and in 'urrudhus'-law, equal proportions are got from them all for the full *fine* of one man. This is altogether; if in succession, it is half the liability *that falls* on each man.

If it was feeding before commission of crime, and 'daer'-tenancy, and in 'urrudhus'-law, it (*the fine*) runs to seven persons, upon them all at once; and if it be in succession, "each last person protects," *&c.* Or, *according to some*, half

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[2] *In seven houses.*—The text is defective here, and the meaning of the whole paragraph obscure.

[3] *Equally from them.*—That is, levied on them in equal proportions.

cina ar gac fear a cain; no, lec̃ an cina nama mas a nurrad̃us. No dno cena, cid̃ saercilsine cid̃ daerceilsine, cid̃ biathad ria ndenam cid̃ biathad iar ndenam cina, cid̃ a cain cid̃ a nurrad̃us, cid̃ uat̃a cid sachaide, gó ngabtar cuibes uat̃aib̃ uile um lan aenfir a naenfect, mar a deir so: uair cid̃ dinbleoganaib tis a nina cinata; gabar cuibes uathaib um lan cintaig̃.

Masa biathad iar denam cina, daerceilsine, ocus a nurrad̃us, rit̃ go moirseisear orra uile a naenac̃t; ocus masa deg̃a a ndeg̃aid̃, is lec̃ an cina for gac̃ fear.

Masa biathad ria ndenam̃ cina, cid̃ saerceilsine cid̃ daerceilsine, ocus a cana, rit̃ go moirseisear orra uile a naenfeac̃t, ocus mas dega a ndeg̃aid̃, is dingaib gac̃ deig̃inac dia raile.

Masa biathad̃ iar ndenam̃ cina, cid̃ saercelsine cid daerceilsine, ocus a cana, is rit̃ go moirseisear orra uilea naenfec̃t; ocus masa deg̃a a ndeg̃aid̃, is lec̃ in cina for gac̃ fear.

Cred do ni faonlegach d̃e, ocus cred do ni urfograc̃? Ised̃ do ni faonleg̃ac̃ de, gan tiactain re dliged̃ corusa fine. Ised do gni urfograc̃ d̃e, an tinbleogan is nesa da fogra.]

Diles i coinslectaib.

C. 2506. .1. arm ac in codnac̃, ocus codnac̃ ac in neccodnac̃, luc̃t manc̃uine ac in uasal, [trath ocus easgaire ag in coin]. Greim airm geibes cac̃ ni dib sin i leit̃ re conaib. Cethruimt̃i ar scat̃ arm acon codnac̃, ocus cethruimt̃i ar scat̃ torba, ocus cethruimt̃i ar scat̃ trat̃ acon coin, ocus cethruimt̃i ar scat̃ escaire.

Masa cu co trat̃ co nescaire, cu lan dligt̃ec̃ isein, lec̃

the liability *is* on each man in 'cain'-law; or, *according to others*, half the liability only if it be in 'urrudhus'-law. Or else, indeed, *according to others*, whether *in* 'saer'-tenancy or *in* 'daer'-tenancy, whether *it was* feeding before committing or feeding after committing crime, whether in 'cain'-law or in 'urrudhus'-law, whether one or many, equal proportions are got from them all for the full *fine* of one man at once, as this *law* says: "For though *it be* for kinsmen, it goes for crimes;" equal proportions are got from them for the full *fine* of a guilty person.

If it was feeding after the commission of crime, *and* 'daer'-tenancy, and in 'urrudhus'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if it be in succession, it is half the liability *that shall be* upon each man.

If it was feeding before the commission of crime, whether *in* 'saer'-tenancy or *in* 'daer'-tenancy, and in 'cain'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if it was in succession, it is *a case of*, "each last person protects the rest."

If it was feeding after the commission of crime, whether *in* 'saer'-tenancy or *in* 'daer'-tenancy, and in 'cain'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if in succession, it is half the liability *that shall be* on each man.

What makes a vagabond of him, and what makes *him* a proclaimed person? What makes a vagabond of him is, his non-observance of the 'corus-fine'-law. What makes a proclaimed person of him is, his nearest kinsman proclaiming him.

What is lawful respecting *different* sorts of dogs.

That is, the sensible adult has a weapon, the non-sensible person a guardian[a], the gentleman has servants, *and* the dog has time and notice. Each of these, as regards dogs, has the effect of a weapon *in the case of the sensible adult.* The sensible adult has one-fourth on account of a weapon, and one-fourth on account of profit, and the dog has one-fourth on account of time, and one-fourth on account of notice.

If it be a dog which has[b] time and notice, it is a fully lawful

[a] Ir. *A sensible adult.*

[b] Ir. *With.*

uaiṫe isin torbaċ co narm, cethruimṫi uaiṫe isin torbaċ cen arm, no isin nesbaċ co narm; islan do in tespach cen arm.

Mara cu co traṫ cen escaire, cu leṫ dligṫeċ hi; teora cethruimṫi uaiṫi isin torbaċ co narm, leṫ fiach uaiṫi isin nesbaċ cen arm.

Mara cu cen traṫ cen escaire he, is lan fiaċ uad isin torbaċ cu narm, teora cethruimti uad isin torbaċ cen arm, no isin nesbaċ cu narm, ocus ceṫruimṫi uaiṫi isin nesbaċ cen arm.

In cu for banlurg co srublaing cen romad a srublaingi, cu isein is teora cethruimṫi indligiḋ, ocus ceṫruimṫi dliġid; trian ocus oċtmaḋ uad isin ṫorbaċ cu narm, leṫ oċtmad uad isin torbaċ cen arm.

In cu for banlorg (.i. uair let dliġeḋ ar scaṫ banluirg,) co srublong co fromad a sruiblaingi, ocus in cu for derglorg co fir lomnaċt isin caill, ocus for eoċu isin maċaire, ocus in cu fiadaig techta, ocus in tarcoicid
C. 2511. teċta, ocus in conbuacaill techta, ocus in cu araig do nomad cleṫ on dorus, [ocus ni cuaille crin cuaċta], ocus
C. 2511. dornn fot in araig iar na seirig, ocus ni tacmaicet a beoil lar tige, [no conair caemteċta], ocus in cu co traṫ co nescaire, coin lan dligiḋ uile na coin sin.

In cu airgiter i nomad cleṫ on dorus, ocus in cu saeindil, ocus in cu co traṫ cen escaire, coin leṫ dligiḋ uile na coin sin.

Coin do rinset fogail ria dáinib and sin; ocus dama daine do néiṫ fogail ria conaib, cia mad re hesba no re bec deitbirus ro beiṫ ac dul ar amus in con he, is amail torbaċ he ac tiaċtain uaidi.

Mana caemnacair dul on ċoin lan indligṫeċ can a

dog, *and there is* half *fine due* from it for *injuring* the profitable worker who has a weapon, one-fourth from it for the profitable worker without a weapon, or for the idler who has a weapon; it is exempt as regards the idler without a weapon.

If it be a dog which has time but not notice, it is a half lawful dog; three-fourths *fine are due* from it for *injuring* the profitable worker who has a weapon, half fine from it for *injuring* the idler *who is* without a weapon.

If it be a dog which has neither time nor notice, there is full fine *due* from it for *injuring* the profitable worker who has[a] a weapon, three-fourths *fine* from it for the profitable worker without a weapon, or for the idler who has[a] a weapon, and one-fourth *due* from it for the idler without a weapon.

The dog that follows a woman, and that has an untested[b] muzzle on it, is a dog that is three-quarters unlawful and one-fourth lawful; *and there is* one-third and one-eighth *of fine due* from it for *injuring* the profitable worker who has a weapon, one-half of one-eighth for the profitable worker without a weapon.

The dog that follows a woman, (*i.e.* for *it is* half lawful on account of following a woman), and that has on a tested muzzle, and the dog that *follows* on the red track of a stark naked man in the wood, and of horses in the plain, and the lawful hunting dog, and the lawful stag-hound, and the lawful shepherd's dog, and the dog that is tied to the ninth stake from the door, and not a withered hollow stake, and the length of the tie when contracted is a hand, and its (*the dog's*) mouth does not reach to the floor of the house, or to the thoroughfare, and the dog with time and notice, all these are fully lawful dogs.

The dog that is tied to the ninth stake from the door, and the straying dog, and the dog with time *but* without notice, these are all half lawful dogs.

These are dogs that did injury to persons; but if it were a person that did injury to dogs, whether it was in idleness or of little necessity he was going towards the dog, he is as a profitable worker in coming from it.

If he was not able to get away from the fully unlawful

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[a] Ir. *With.*

[b] Ir. *A muzzle without testing its muzzle.*

marbaḋ, islan a marbaḋ. Mana caemnacair dul on coin lan dligṫeċ can a marbad, is leṫ ina marbaḋ.

Mana caemnacair dul ón coin leṫ dligṫeċ can a marbaḋ, is ceṫruimṫi ina marbaḋ.

Mana caemnacair dul on coin aca ta teora cethramṫana dligiḋ ocus cethruimṫe indligid, can a marbaḋ, is cethruimṫi ocus oċtmad ina marbaḋ.

Mana caemnacair dul on coin aca ta teora cethruimṫi indligiḋ ocus cethruimṫi dligiḋ, can a marbaḋ, is oċtmad ina marbaḋ.

Mana caemnacair dul on conbuaċaill techta can a marbaḋ, is leṫ ina marbaḋ, uair is e a la a adaig, ocus is i adaig a la.

Mana caemnacair dul on coin faeindil can a marbaḋ, is cethruimṫi ina marbaḋ, uair is e a lan a leṫ, ocus is e a leṫ a cethruimṫe.

C. 2509. [Mada caomsat] son dul o caċ coin dib sin uile can a marbad, [cid a lo cid a naidche], is a lan dire aicinta budein in caċ coin dib, uair noco beirind ní da dire o coin biṫ co indligeḋ, aċt mad is moiti uad isin cinaid do ni, cenmoṫa in cu faendil; uair mad eiside, beirid a leṫ smacht uad biṫ ar faendil.

Tri coin fogail fomnaither and.

.i. fomnaiṫer, no urfoiċliṫer na tri coin seo co na dernat fogail .i. foilngit, cu do ni foileim, cu con, cu na cuilen, cu loirge, cu sis na gabann greim lorg.

Lan dire do renaiter i cinaid na con hi sin; lan fiaċ a cet cinaid in foilgeda, mad fri duine foglaid; mad fri rubu, is leṫ fiaċ, ocus greim cinad gabus in foilgiḋ do.

In cu con on mud cetna, mad i naimsir a cuilen imurro

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[1] *Whether in the day or in the night.*—The Irish for this is the conjectural reading of Dr. O'Donovan, for "cid i lán, cid i naithgin: whether for full *fine* or for compensation," which is found in the MS E. 3, 5 (O'D 1491).

dog without killing it, he is exempt *from liability* in killing it. If he could not have got away from the fully lawful dog without killing it, it is half *fine he incurs* for killing it.

If he could not have got off from the half unlawful dog without killing it, it is one-fourth *fine he incurs* for killing it.

If he could not have got off from the dog which is three-fourths lawful and one-fourth unlawful, without killing it, it is one-fourth and one-eighth *fine he incurs* for killing it.

If he could not have got off from the dog which is three-fourths unlawful and one fourth lawful, without killing it, it is one-eighth *fine he incurs* for killing it.

If he could not have got away from the lawful shepherd's dog without killing it, it is one-half *he pays* for killing it, for its day is night, and its night is day.

If he could not have got away from the straying dog without killing it, it is one-fourth *he incurs* for killing it, for its full is a half, and its half is a fourth.

If they could have got away from each and all of these dogs without killing them, whether in the day or in the night[1], it is its own full natural 'dire'-fine *that is paid* for each dog of them, for it does not take away anything of its 'dire'-fine from a dog to be unlawful, (but there is more *due* from it for every trespass it commits), except the straying dog; for if it is he, *the fact of* his straying takes away half his 'smacht'-fine.

Three dog trespasses are checked.

That is, these three dogs are checked, or attended to so that they do not commit trespass, viz., the springing dog, *i.e.* a dog which makes a spring, a dog of dogs, *i.e.* a dog with whelps, *and* a crouching dog, *i.e.* a dog against which searching does not avail.

Full 'dire'-fine is paid for the trespass of these dogs; full fine for the first trespass of the springing dog, if it has trespassed against a person; if against animals, it is half fine, and the spring has for it the effect of a trespass.

As to the dog with whelps likewise, if it be while she has[a]

[a] Ir. *In time of.*

foglaiḋ, ni teit i nairem cinad do cuilain do breiṫ, aċt fiaċ ro biṫbinċi uirre.

In cu loirgi imurro, lan fiaċ ina cet cinaid seic, mad fri duine foglaiḋ, mad fri rubu, is aithgin; ar ni riagailter lorg riu sieic.

Srublaingi con minaig, ocus erge con anaiṫnig, ocus cro con anfaitig.

Srublingi con minaig; ssrublaingi im a gob in ċon do ní minigeċt re henaib ocus re huanaib, ocus re heirtreċtaib in tiġe.

C. 2510. Eirgi con anfaitċe, eirrgi [leaba] leṫair [diadad] ar suilib in ċon na tabair aiṫne ar in muintir fein seċ na comaiċaib.

Cro con anfaitig .i. co tabair con mir for in slait reime isin cro, .i. a ċuit do cur i cro res in coin na fetar darac inar aile.

O beit amlaid sin tall iat, is indliġṫeċ amaċ cia na beiṫ traṫ ocus escaire orro amaċ. Mana fuilit amlaiḋ sin iat tall, ci dliġṫeċ amach iat, is indligṫeċ iat tall, ar foġla co leṫ cinta con cota araig cuaċ donn crin [.i.] is cain fodeiligter cin in ċon do lecud i leiṫ in ti ro airgertar he don crand crin cuachda, .i. fer bunaid ro airgertar he and sin, ocus arach co fis etallais tucustar air, ocus is inand do ocus na airged itir, im lan fiaċ dic i cinaid in ċon. No is cain fodeiligter, leṫ cinad in con ar in ti ro airgertar he don crand crin cuaċda.

Duine nach fer bunaid rot airgertar he ann sin he, ocus araċ co fis etallais tuc air, ocus ro bi a tuicsi co ticfaitis astud de, ocus scuirid a tuicisiu leṫ de. Ocus cu lan dligiḋ ac fir bunaid he, ocus cu leṫ dligiḋ ac fir araig, ocus slan codnaċ; leṫ icait mar aen na cinaid; teora cethruimte uad isin torbaċ cu narm, leṫ o fir

her whelps she commits trespass, to have brought forth whelps is not taken into account in its trespasses, but a fine according to her viciousness *shall be imposed* upon her.

The crouching dog too *incurs* full fine for its first trespass, if it be against a person it trespassed, if against animals, it (*the fine*) is compensation; for crouching is not the rule for them.

A muzzle for the 'minaigh'-dog, and eye-caps for the 'anaithne'-dog, and a kennel for the 'anfaitigh'-dog.

A muzzle for the 'minaigh'-dog, *i.e.* a muzzle *of leather is fastened* on the snout of the dog that makes small attacks upon fowl and lambs and the pet animals of the house.

Eye-caps for the 'anfaitigh'-dog, *i.e.* eye-caps, a covering of leather is fastened over the eyes of the dog which does not know its own people from the neighbours.

A kennel for the 'anfaitigh'-dog; i.e. the dog's share *of food* is set before him in the kennel on the *top of* a rod, i.e. his mess is put into the kennel to the hound, which cannot be tied *after* another manner.

When they are so within, it is unlawful *to let them* out, though there should be time and notice of their being *let* out. If they are not so within, though they may be lawful out they are unlawful within, for "the trespasses of the dog are charged to him who had tied it to the withered hollow stake," i.e. well is it ordained that the trespass of the dog is to be put to the charge of the person who tied it to the withered hollow stake, i.e. *it was* the owner *that* tied it in this case, and the tying which he made upon it was bad, and he was aware of its defect[a]; and it is the same to him as if he had not tied it at all, with respect to paying full fine for the trespass of the dog. Or, well is it ordained that half the trespass of the dog *is due* from the person who tied it to the rotten hollow tree.

[a] Ir. *A tying with knowledge of defect, he put upon it.*

It was a person who was not the owner that tied it in this *case*, and he tied it, knowing of a defect in the tying, and it was his belief that it would have held *the dog*, and his belief takes one-half off him. And this is a fully lawful dog with an owner, and a half lawful dog with the man that tied it, and the sensible adult is exempt; they both pay half for the trespass; three-fourths *fine is due* from it for the profitable worker who has a weapon, half from the man who ties, and

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araig, ocus cethruimthe o fir con; leṫ uad isin torbaċ cen arm no isin nesbaċ cu narm; cethruimṫi o cechtar de, cethruimṫi uad isin torbaċ cen arm, ocus aicsin dḟir araiġ a aenur.

Noco lugaite smaċt na dire in coma biṫ indligeḋ, aċt is moiti uad isin fogail do ní, cenmoṫa in cu faendil, uair ma eisium, is leṫ foxlait a faendil uad.

In cu faendil; cethruimṫi ina marbaḋ isin lo, mana caemnacair etarscarad fris ċena; ocus ma cumaic, is leṫ fiaċ uad; ocus is e sin a lan fiaċ sum, uair is e a lan fiach a leṫ fiaċ, ocus is e a leṫ fiaċ cethruimṫi.

Na uile con uile, cenmoṫa in cu lan dligṫeċ, mana coemnaċt in duine a etarscarad friu cena cen a marbaḋ, is leth fiach indtib isin lo; ocus ma conic etarscaraḋ friu chena, is a lan fiach budéin inntib.

In cu lan indligṫeċ, slan a marbaḋ isin lo, mana caemnacair etarscarad fris ċena; ocus ma caemnacair, is a lan fiaċ budéin ind.

Dligiḋ cach cu uile in aidċe im a leṫ fiac bodein ind, mana caemnacair a etarscarad fris ċena; ma coníc, is a lan fiaċ bodein ind. No dono, ċena, cid cu dligṫeċ cid cu indligṫeċ, cid a lo cid i naidċe, mana caemnair in duine etarscuraḋ fris ċena cen marbad, is lan; ocus ma conic, is a lán fiaċ budein ind.

Treidi itir inaṫfegtar im telcud sisanad, .i. eċaire, ocus dorsaire, ocus cu.

Coin na ngrad flaṫa fuaslaicter dib traṫ dula i liġi, ocus a cuibreċ in traṫ leicter in teċaire a heoċu amaċ.

Coin na ngrad feine fuaslaicter dib im traṫ tiachtana bo im i liġ, ocus a cuibreċ re turgabail gréine.

Cid fodera conad sia in re do conaib na ngrad flaṫa na na ngrad feine? Is e in faṫ fodera, lia toruma

a fourth from the owner of the dog; half *is due* from it for the profitable worker without a weapon, or for the idler who has a weapon; one-fourth from either of them (*the owner and tier*); one-fourth from it for the profitable worker without a weapon, and it was seen by the tier only.

There is not less 'smacht'-fine or 'dire'-fine for its being unlawful, but there is more *due* from it for the trespass which it commits, except the straying dog, for if it be such, its straying takes away one-half from it.

As to the straying dog; *there is but* one-fourth *fine* for the killing of it in the day, if one cannot get away from it *otherwise;* but if he can, it (*the penalty*) is half fine from him; and that is its full fine, for its half fine is its full fine, and one-fourth is its half fine.

As to all dogs whatever, except the fully lawful dog, if the person could not get away from them without killing them, there is half fine for *killing* them in the day; and if one could get away from them, it is their own full fine *that is paid* for them.

As to the fully unlawful dog, there is exemption for killing it in the day, if one could not get away from it *otherwise;* and if he could, its own full-fine is *paid* for it.

Every dog whatever is lawful in the night as to its own half fine *being due* for it, if one cannot get away from it; if he can, its own full-fine is *due* for *killing* it. Or, indeed, *according to others,* whether *it be* a lawful dog or an unlawful dog, whether by day or by night, if the person could not get away from it without killing it, he is safe; and if he can, its own full fine is *due* for it.

Three are concerned in letting loose here, i.e. a horse-boy, a door-keeper, and a dog.

The dogs of the chieftain grades are let loose at the time of going to bed, and are tied at the time that the horse-boy lets out his horses.

The dogs of the 'feini'-grades are let loose at the time the cows come to their stalls, and are tied at the rising of the sun.

What is the reason that the time which is *allowed* to the dogs of the chieftain grades is longer than *that to those* of the 'feini' grades? The reason is, there is a greater con-

daine ocus sočaiďi ar amus tiǧi na ngrad flaťa na do tigib na ngrad feine, ocus coir cemad ria in re da conaib.

O bus codnač do gena in tinmuilled do gres islan cu and, ocus fiač ro aicneď a faťa for in codnač.

Mara ecodnač, leť aithgin for in coin, ocus leť aithgin for in ecodnač, ocus fiach ro aicned a faťa do dire, mara mac a roich rann do dire. Gebid greim leť aithgina cu ac mac in aesa ica let diri, cid a leť re robaib cid a leť re dainaib, cid e a cet cin cin co be; ocus noco ǧaibenn ac mac in aes ica aithgina, manab e a cet cin i leiť re robaib; ocus mas e, geibid greim leť aithgina dar cend a fiadat imač he, uair ro gebad ar agaid bodéin.

Cid fodera co ngebenn greim leť aithgina cu ac mac i naes ica leiť dire, cid a leiť re robaib cid a leiť re dainib, cid cu cetcintach, cid cu biťbineač, ocus co na gabann ac mac i nais ica aithgina, manab e a cet cin a leť re robaib? Is e fat fodera, dliǧťeču leis cu ac codnač ina cu ac eccodnač, ocus nesa leis do lan codnaig lan icas mac i naes ica leť dire inan lan icus mac i nais ica aithgina.

In comat bu slan cu ac codnač ata leť othrus no leť-aithgin air ac eccodnač.

In comat bes fiach air ac codnač ata in fiach cetna air ac eccodnač; uair cač codnaidetu i mbia fer inmuillti is indliǧťiti cu, cach eccodnatu i mbia fer inmuillti is dligtečaiti cu.

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[1] *The more lawful of the hound.*—In C. 2516 this is reversed.

course of people and hosts to the houses of the chieftain grades than to the houses of the 'feini' grades, and it is right that a longer time should be *allowed* to their dogs.

When it is a sensible adult that incites *a dog*, the dog is always exempt, and a fine according to the nature of the case *shall be imposed* upon the sensible adult.

If it be a non-sensible person *that has incited the dog*, half compensation *is* upon the dog, and half compensation upon the non-sensible person, and a fine according to the nature of the case *by way* of 'dire'-fine, if he be a youth on whom a share of 'dire'-fine comes. A dog *which is* with a youth at the age of paying half 'dire'-fine, whether in regard of animals or in regard of persons, whether for its first offence or not, incurs *a penalty of* half compensation; and it does not incur it *when* with a youth at the age of paying compensation, unless it be its first offence in regard of animals; and if it is, it incurs *a penalty of* half compensation with respect to its owner, for it would incur it on its own account.

What is the reason that a dog *which is* with a youth at the age of paying half 'dire'-fine incurs *a penalty of* half compensation, whether with respect to animals or with respect to persons, whether it be a dog of first offence, or a dog of *confirmed* viciousness, and that it does not incur it *when* along with a youth at the age of paying compensation, unless it be its first offence with respect to animals? The reason is, a dog with a sensible adult was *deemed* more lawful by him (*the author of the law*) than a dog with a non-sensible person, and he considered the full-*fine* which a youth at the age of paying half 'dire'-fine pays nearer to the full-*fine* of a sensible adult than that which the youth at the age of paying compensation pays.

Whenever a dog would be exempt with a sensible adult, there is *a fine of* half sick-maintenance or half compensation upon it with a non-sensible person.

Whenever there is a fine upon it *when* with a sensible adult, the same fine is upon it with the non-sensible person; for the more sensible the inciter is the more unlawful the hound, *and* the less sensible the inciter is the more lawful the hound.[1]

Diles i muirbrethaib airi ruanada dar nae tondaib.

.1. cid seoit fir fine cid seoit fir anfine, cid seoit fir bescna cid seoit fir neimbescna, o do bertar tar nae tonna mara amuig iat, ocus dula daentoirsg dar a cenn, is a ndilsi uili don ti tuc as iat.

Mas etir nae tonna mara ocus tir tucastar iat, is femed ocus uiriaraċt fir fine do riagail ríu; uair is ríu ata feimed ocus uriaraċt na fineċaire do riagail ríu [.i.] set do berar a aicenaib, ocus a armaigib, ocus a coirib cuairdill, ocus a saebcoirib, ocus a tig teined, ocus itir nae tondaib mara ocus tire. Ocus ma ro bi daicbeile na hoidida ni ris na tairnic an airiaraċt dfir bunaid, is inand do ocus do beiṫ feimead ann no uiriaract nama.

Mara femed ocus uiriaraċt fir fine, is a ndilsi uile don ti tuc as iat.

Mara femed no uiriaraċt fir fine, is diles a da trian don ti tuc as iat.

Mara uriaraċt ar aine fir fine, is diles a trin don ti tuc as iat.

Mara femed ocus uiriaraċt fir anfine, is diles a da trian don duine tuc as iat.

Mara uiriaraċt ar aine fir anfine, is da trian in trin, no a leṫ in trin, no a beiṫ can ní.

Canas a ngabar da trian in trin ata dfir anfine na airiaraċt ar aine, uair naċ indisenn lebar? Is as gabar o fir fine; uair i bail ata, a ndiles a da trian dfir

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[1] *'Fine'-man.*—That is, a man of the same sept or subdivision of a tribe; 'anfine'-man, a man not of the same sept or subdivision.

[2] *The refusal or permission.*—This means a case in which the owner of the goods

In sea laws, one has a right to what he has brought over nine waves.

That is, whether *it be* the 'seds' of a 'fine'-man[1] or the 'seds' of an 'anfine'-man, whether *it be* the 'seds' of a person with whom he has a 'bescna'-compact, or the 'seds' of a person with whom he has not a 'bescna'-compact, when they are brought out from across nine waves of the sea by one who went specially for them, they are all the property of the person who has *so* brought them thence.

If he has fetched them from a place nearer[a] to the land than nine waves of the sea, the refusal and permission[2] of the 'fine'-man are the rule respecting them; for the following are *all* ruled by the refusal and permission of the family, *viz.*, 'seds' that are recovered from oceans, and from battle fields, and from whirlpools, and from vortices, and from houses on fire, and from between nine waves of the sea and the land. And if it was owing to the danger of consenting that the owner did not give the permission, *if then recovered*, it is the same to him as if there had been either refusal *by the owner to go himself*, or permission only *from him to the other to go.*

[a] Ir. *Between nine waves of the sea and land.*

If there be refusal and permission from the 'fine'-man, they are all the property of the person who brought them out.

If there be refusal or permission from the 'fine'-man, two-thirds are the property of the person who brought them out.

If there be permission from the 'fine'-man *to another person to go* for his amusement, the third of them is the property of the person who brought them out.

If there be refusal and permission from an 'anfine'-man, two-thirds of them belong to the person who brought them out.

If there be permission for his amusement from an 'anfine'-man, two-thirds of the third, or half the third *belong to the person who brought them out*, or he is to have nothing.

Whence is it derived that two-thirds of the third are *due* in case of the permission of the 'anfine'-man for his amusement, as no book mentions it. It is inferred from *the rule regarding* the 'fine'-man; for, where it is *said*, when two-

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refuses to risk his own life in recovering them, and gives permission to another to recover them if he could, and have them.

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fine ina femeḋ no na uiriasacht, is dilsi a trin ata dfir anfine ina femed no na uiriasacht; coir no deiside, uair is trian ata dfir fine na uriasacht ar aine, cemad da trian in trin do beiṫ dfir anfine na airiasacht ar aine.

Is as gabair a beiṫ can ní; mad airiasacht ar aíne fir anfine ac na bi uiriasacht fir cota, ni aile cuit itir la neċ do beires.

Ised is femed ocus is uiriasacht ann, femed a set ac fir bunaid, ocus in fer aile da uiriasacht de dul ar a cenn.

Ised is femed ann no uiriasacht neċtar de dib.

Ised is airiasacht ar aine ann, dul do neoch ar aínechas féin.

Diles tochur do fir puirt.

.1. is diles dfir puirt a tarla ċuici co ruici cuic seoit, ocus o raċas tarrsu, is comrainn bairci dliġṫiġe air.

In tan tainic fo tomus tuaiṫe airiṫi hi, ocus ni hindti do rala hi, aċt do seit gaeṫ hi a crich aile dar aindeoin, ocus comraind bairce dliġṫiġi uirre isin crich i tarla hi. Ocus is amlaiḋ do niter sin; in set is ferr indti do rig na tuaiṫi, ocus fuilled sis co roib trian na bairci ann; ocus a trian do ṫuaiṫ, ocus a trian dfir puirt; ocus trian in seoit is ferr rainic do rig tuaiṫi uad do rig cuicid; fuilleḋ sis co roib cetruimṫi cotaċ tuaiṫi and; ocus cethruimṫi na cethramṫan o rig cuicid do rig eirenn.

In trian ro soiċ do ṫuaiṫ a comroind doib etarru a

thirds are due to the 'fine'-man in *case of* his refusal or his permission, one-third is due to the 'anfine'-man in *case of* his refusal or his permission; it is right from this, that as it is one third that is *due* to a 'fine'-man in a *case of* permission for his amusement, there shall be two thirds of the third *due* to the 'anfine'-man in *case of* permission for his amusement.

That he *who brings them out* shall have nothing is derived from this:—If there be permission for his amusement from the 'anfine'-man who has not the permission of the owner, the person who fetches *the property* deserves no share whatever.

"Refusal and permission" mean, that the owner refuses to go for his 'seds' himself, and the other gets his permission to go for them.

"Refusal or permission" means either of them.

"Permission for amusement" means that a person goes for the amusement of himself.

What is cast ashore is the property of the owner of the shore.

That is, whatever comes ashore[a] is the property of the owner of the shore, as far as five 'seds,' and when it exceeds them, the partition of a lawful bark is *to be made* of it.

When it was coming towards a certain territory, and did not happen to reach[b] it, but an adverse wind blew it into another territory, then[c] the partition of a lawful bark is made of it in the territory into which it happened *to be driven*. And that is done thus:—the best 'sed' in her (*the wreck*) *is given* to the king of the territory, and it is to be added to until it (*his share*) amounts to the third of *the value of the cargo of* the bark; and one-third of it *goes* to the territory, and one-third to the owner of the shore; and one-third of the best 'sed' which came to the king of the territory *is given* by him to the king of the province; addition *is to be made* to it until it amounts to one-fourth of the share of the territory; and a fourth of the fourth *is given* by the king of the province to the king of Erinn.

The third which comes to the territory is to be divided by them equally among them to all who are able to perform

[a] Ir. *To him.*

[b] Ir. *Into.*

[c] Ir. *And.*

coitcindi do cac̃ oen dib coníc fuba ocus ruba, ocus biathad̃ ocus congbail ocus coimet loc̃ta na bairci.

In trian ro soic̃ dfir [puirt]; noco nuil ni uad do neoc̃, ac̃t mana fuil flait̃ daer[r]ait̃ air, ac̃t in cutruma beires a eclais bunaid a dualgus cotac̃ frit̃i a manaig̃.

Is and ata let̃ a set uait̃i ar cennaigec̃t do denum ria don leit̃ aili, in tan tainic ro tomus tuait̃i airit̃i hi, ocus is inti do rala hi. Let̃ a set uait̃i don tuait̃ ar cennaigec̃t do denum ria don let̃ aile. Ocus noco nuraileno dliged̃ uirrisi let̃ a set uait̃i doibrium no co ndernat cennaigec̃t ria; ocus nocu nurailenn dliged̃ ar in tuait̃ cennaigec̃t do denum ria no co tuca si let̃ a set doib an aiscid; ocus o do bera, is dligt̃ec̃ cendac̃ta no denum ria.

Cid fodera let̃ a set uait̃i ar cennaigec̃t itir? Is e fat̃ fodera; is sir do c̃uaid menma in udair co mberdaisium dimarcraid isin let̃ recait ní is mo ina let̃ da berait in aiscid.

Is ann ata set sé screpall uait̃i, no set foraici uingi, in tan tainic ro t̃omus duine airit̃i hi, ocus ní na [f]lesc lama sin fein do rala iat, ac̃t a serann duine aile na comocus; ocus set sé screpall do ar connad ocus uisci do lecad di, mara seic̃ida ocus iarann ocus saland ata indti; no set foraici uingi, mara cno gnae ocus cuirnd; ocus escup fina no mela, ma ta fin no mil indti.

Log saethair, mad o srot̃aib.

.1. log saet̃air do mad o srot̃aib in mara amuich do bera he.

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[1] *An 'escup' of wine.* In Cormac's Glossary, edited by Whitley Stokes, LL.D., p. 67, "Epscop Fina" is explained to mean a vessel for measuring wine among the merchants of the Norsemen and Franks. The two derivations suggested by the author appear incorrect. The learned editor's conjecture that "escop fina"

service of offence and defence, and feeding and maintaining and keeping the crew of the bark.

As to the third, which comes to the owner of the shore; nothing *is given away* by him to any one, unless there is a chief of 'daer'-stock tenancy over him, except the portion which the church of his family[a] gets as her share of a thing found by her tenant of church-land.

The case in which half her 'seds' is *taken away* from her (*the ship*) on condition of trafficking with her for the other half, is when she came *bound* for a certain territory, and it is into it she happened *to be driven.* Half her 'seds' *is to be given* by her to the territory on condition of trafficking with her for the other half. And the law does not compel her to give half her 'seds' to them, until they *engage to* traffic with her; and the law does not compel the *people of the* territory to traffic with her, until she *engages to* give half her 'seds' to them gratis, and when she has given *them,* it is lawful to traffic with her.

What is the reason that half her 'seds' is at all *given away* by her for trafficking *with her?* The reason is; the idea of the author *of the law* was that they would gain more by the half they sold than *the value of* the half they would give for nothing.

The case in which a 'sed' of *the value of* six 'screpalls' is *due* from her, or a 'sed' which is worth an ounce *of silver,* is where she came consigned to a certain person, and it was not into his land they happened *to be driven,* but into the land of another person in his vicinity; and he (*the other person*) is entitled to a 'sed' of *the value of* six 'screpalls' for allowing her firewood and water, if it be hides and iron and salt that are in her; or to a 'sed' worth an ounce *of silver,* if it be foreign nuts and goblets; and to an 'escup'-vessel of wine[1] or of honey, if wine or honey be in her.

Reward of labour, if from currents, *&c.*

That is, the reward of his labour is *given* to him (*the rescuer*) if he has brought it from the currents of the sea outside.

[a] Ir. *Original church.*

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was probably the true reading, a conjecture founded on analogous forms in Cornish, Gothic, &c., is proved correct by the reading in the text.

Mara tocur sroťa fir uisci, a cethruimťi dar nae norba; a trian ar da orba dec; leť o ťa sin co ria in tir sin is nesa do muir; a da trian mad annsaide; in trian aile is for cain mara.

Ro suidiged ceťeora coegat cubat re hor tire a tocur, no dar noe tonna mara anall, cid a tocur cid a tabairt.

Mara tocur in trian sin, a cethruimťi ar aen caegat, a leť ar a do, a tri cethruimťi ar a tri, uile ar a cethair.

Mara tabairt itir noe tonnaib mara ocus tir, femed ocus uiriaracť ocus finecaire do riagail ris in trian.

Mara tabairt in sroťa sin fein, a trian ar a tri, ocus a da trian ar a sé, uile ar a nae.

Mara tocur srotha saile sceo uisce, a cethruimťi ar tri orbaib, a leť ar a sé, a tri cethruimťi ar a noe, uile ar a do dec. A tochor sain.

Mara tabairt in tsroťa sin fein, a trian ar a do, a leť ar a tri, a da trian ar a cethair, uile ar a sé.

Mara tocur sroťa murgabail, inand ocus tabairt sroťa glain; a trian ar tri orba, a da trian ar a sé, uile ar a nae. A tocor sin.

Mara tabairt in tsroťa sin fein, a leť ar a do, a da trian ar a tri, uile ar a cethair co leť.

Leť cac tocair ina tabairt, cenmoťa in tabairt sroťa glain; ocus in tainmraindi ata ina tocur, no ina tabairt

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[1] *Or a fetching.* The following is Dr. O'Donovan's note on this obscure passage:—
"If any valuable property has been carried away by a freshwater stream in time of flood over nine townlands, and then cast on the bank, the owner of the land on which it is cast is entitled to one-fourth thereof. If it be carried over twelve townlands, the owner of the land on which it is cast is entitled to one-third thereof. If it has been carried to any further distance, the man on whose land it is found shall have one-half. If it has been carried by the stream to the townland next to

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If it be a thing cast up by a freshwater stream, one-fourth of it is *due to the owner of the land on which it has been cast, when it has been carried* over nine lands; one-third of it *when* over twelve lands; half of it from that until it reaches that land which is nearest to the sea; two-thirds of it if then; the other third is ruled by the law of the sea.

Four times fifty cubits from the margin of the land have been fixed for a thing cast up, or from over nine waves, whether for a thing cast up or a fetching.[1]

If that third is *due for* a thing cast up, its fourth is *due* for one fifty *cubits,* its half for twice fifty, its three-fourths for thrice *fifty, and* the whole *third* for four times fifty.

If it be fetching from between nine waves of the sea and the land, "refusal" and "permission" and "family" is the rule for the third.

If it be a carrying by that stream itself, its third *is due* for three *townlands,* its two-thirds for six, the whole for nine.

If it be a thing cast up by a salt and fresh stream, its fourth *is due* for three lands, its half for six, its three-fourths for nine, the whole for twelve. This *is* for a thing cast up.

If it be a carrying by that stream itself, its third *is due* for two *lands,* its half for three, its two-thirds for four, the whole for six.

If it be a thing cast up by a stream of an arm of the sea, it is the same as carrying by a freshwater stream; its third *is due* for three lands, its two-thirds for six, the whole for nine. This *is* for a thing cast up.

If it be a carrying by that very stream, its half *is due* for two *lands,* its two-thirds for three, the whole for four and a half.

Half of every thing cast up *is due* for its carrying, except the carrying by a freshwater stream; and the proportion that is for its casting ashore, or for its being carried by

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the sea, the owner of that townland shall have the two-thirds; but if it has been carried into the sea, the whole of it is forfeited to the proprietor of the shore. The space of four times fifty cubits from the brink of the land or high-water mark, has been determined by law as the distance to which goods carried into the sea are considered as lawful 'jetsam'; and goods cast ashore by the sea, or brought by any person from a distance of nine waves, are adjudged to be the property of the owner of the shore, or of the person who rescues them."

do srot̃aib corub e in tainmraindi sin bes ina toc̃ur, no ina t̃abairt a faball in tsrot̃a sin; ocus ní faball ma focoisli, .i. ní faball itir he, madia foxla srut̃ ni as, uair foxlait srot̃a ocus ní foxlait faball.

Masa inand fer frit̃i ocus fer tire, is na rog̃a ata in cuitig frit̃i bias do, no in cuitig tire. Is as gabar, contechta gnima no tire.

Masa sain fer frit̃i ocus fer tire, cuitig frit̃i ocus cuitig tire do fer frit̃i.

Marbdile sin, no is beodile nach cuimgenn tiac̃tain as a dualgus a nirt fein, uair da cuimgidis na beodile tiac̃tain as a dualgus a nirt fein, noco bia ní astu; uair cid fata bes fer bunaid a toiglenmain a set, ocus ot cit̃fer roime iat in dara fec̃t cen co faicea in fec̃t aile, noco nuil cuitig frit̃i, na toc̃air, na tabarta uad eistib, mana ric a les tabairt, ocus ma ric a les tabairt, is a riagailt re tabairt fine no anfine.

Cuitig frit̃i is na marbdilib do gres, cid a crich cid a sechtar crich, cid a cuairt ingelta cid a sechtar cuaird ingelta; no beit̃ ar taiscid gataid̃e; ocus o beit, is cuitig tobaig̃ eistib.

Cuitig frit̃i a bec̃aib ocus a dáinib daera do gres, no comad cuitig̃ astaide, ac̃t manab e a frecra in dair conad ac tiac̃tain da tig do bi he; ocus mas e a frecra, a imdenum do conad ac tiac̃tain da t̃ig̃ ro bi he. Mas amlaid frit̃ he ocus a aigid do c̃um a t̃ig̃i, is a imdenum do co nac̃ ac elod ro bi, ocus cen nac̃ ní do as. Mas amlaid frit̃i he ocus a cul re t̃ec̃, ocus nir airbertnaig̃ nach ac elod ro bi, is a imdenum don ti fuair he co nac̃ ac elod ro bi, ocus cuitig tobaig̃ astu.

Nocon fuil ní do na beodilib i cuaird ingelta, ocus

streams is the proportion that shall be *due* for its casting ashore, or its conveyance by the carriage of that stream; and it is no carriage, if it has been lessened, i.e., it is not a carriage at all, if the stream has detached anything from it, for streams detach *something* and carriage does not detach.

If the finder, and the owner of the land be the same, he has a choice whether it is a finder's share or a land share he shall have. It is derived from, "Equally lawful are deed or lands."

If the finder, and the owner of the land be different, the finder shall have the finder's share and the land share.

These are dead chattels, or they are live chattels which could not escape by means of their own strength, for if the live chattels were able to escape by means of their own strength, there would be nothing for *rescuing* them; for however long the owner may be following after his 'seds,' and *when* he sees them before him the second time, though he may not see them another time, there is no finding share, or *share for* casting ashore, or carrying *due* from him for them, unless he stood in need of carriage, and if he required carriage, it is to be ruled by "the carriage of family-man or stranger."

A finding share is always *given* for the dead chattels, whether in the territory or outside the territory, whether within grazing range or outside grazing range; or *if* they be in the keeping of a thief; and when they are, there is a levying share *due* out of them.

There is a finding share *due* for bees and 'daer'-persons always, or, *in the case of the 'daer'-person*, it may be a detaining share, unless the answer of the 'daer'-person is that he was going to his *master's* house; and if this be his answer, let him prove that it was going to his *master's* house he was. If he was found with his face towards his *master's* house, he is to prove that it was not absconding he was, and *if he does*, there shall be nothing for *arresting* him. If he was found with his back towards the house, and if he did not plead that it was not absconding he was, the person who found him is to prove that it was absconding he was, and *if he succeeds in the proof*, he shall have an arresting share for him.[a]

There is nothing *due* for the live chattels within grazing

[a] Ir. *Them.*

cuitig tobaig eirtib sec̃tair cuaird ingelta. No dono c̃ena, is cuitig tobaig̃ eirtib a cuaird ingelta ac̃t co mbeit ar tairsid gataide; ocus o beit, is cuitig tobaig̃ eirtib sec̃tar cuaird ingelta, ac̃t narab amlaid̃ beit ocus a naigaid ar a tec̃; ocus mas amlaid̃, ac̃t mara cindti co ticfaitis, noco nuil ni eirtib. Ma cunntabairt in ticfaitis no na ticfaitis, is lec̃ cuitig tobaig̃ eirtib. Mara cindti na ticfaidis, is cuitig tobaig̃ comlan eirtib.

Mara beodile coníc a gait budein, is cuitig tobaig̃ eirtib do gres. In duine daer, is a cin dic da tigerna no co ngaba nec̃ aile na seilb he ar daig̃in achtaig̃t̃i; ocus o gebus, is a cin dic do.

Cin bech.

.1. ceis isin caec̃ad, da cis isin marbad; ocus indisid lebar in cis ina c̃aec̃ad, ocus ni hindisenn da cis isin marbad̃; ac̃t amail is da cutruma na heisci ata o duine i caec̃ad in duine ata uad [ina marbad̃], cois no deiside, cema da cutruma na eisci ata o bec̃ ina c̃aec̃ad̃, cemad ed do beith ina marbad̃.

Sait̃ sir do mil isin fuiliugad̃, cuiced na satha na cnoicbeim, a teora cethruimt̃i ina ban beim facaib feit̃ fo saet̃, no na glas, no na at, no na derg; mad aen no deda dib uil and, is cuiced co lec̃ cuicid; cuiced nama na ban beim aicinta.

Ceis isin croli mbais co neitirimdibi baill, ocus mana fuil eitirimdibe baill, is cis cenmot̃a sec̃tmad; a da trian na crolig̃ cumaile; a trian na inandraig sé set; cutruma seisid ann no sec̃tmaid cona tabairt sis isin inindraig sec̃t set.

but there is a detaining share *due* out of them outside grazing range. Or, indeed, *according to others,* there is a detaining share *due* out of them within grazing-range if they are *found* in the keeping of a thief; and when they are *so found,* there is a detaining share *due* out of them outside grazing-range, but so as they are not with their face towards the house; and if so,[1] and if it be certain that they would come *home,* there is nothing *due* for *securing* them. If it be doubtful whether they would come or would not come, there is half a detaining share *due* for them. If it be certain that they would not come, there is a full detaining share for *securing* them.

If they be live chattels (*i.e. slaves*) that can "steal themselves," there is always an arresting share *due* for them. The crime of the 'daer'-person is to be paid for by his master until another person takes him into his possession for the purpose of making an agreement *with him;* and when he has so taken him, his crime is to be paid for by him (*the latter*).

Injuries *in the case* of bees.

That is, a hive *is the fine* for the blinding, *and* two hives for the killing *of a person;* and a book mentions the hive for the blinding, and it does not mention two hives for the killing; but as there is twice the 'eric'-fine *due* from a person for killing a person that there is for blinding him, it is right from this, that it is twice the 'eric'-fine which is *due* from a bee for blinding him that should be *due* for killing him.

A man's full meal of honey *is the fine* for drawing blood; a fifth of the full meal for an injury which leaves a lump,[a] three-fourths of it for a white blow which leaves a sinew in pain, or green, or swollen, or red; if it be one or two of these *injuries* that are present, it (*the penalty*) is one-fifth with half one-fifth; one-fifth only for his natural white wound.

[a] Ir. *A lump-blow.*

A hive *is the fine* for the death-maim necessitating[b] the removal of a limb, but if there be no removal of a limb, it (*the fine*) is a hive, less one-seventh; two-thirds of it for a 'cumhal'-maim; one-third of it for a tent-wound of six 'seds'; one-sixth or one-seventh part *is* to be added to it for the tent-wound of seven 'seds.'

[b] Ir. *With.*

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[1] *And if so.*—That is, if they have their faces towards their house.

O na beċaib ata sin is na dainib.

Cret bias o na dainaib is na beċaib? Ma ro marb in duine in beċ aca caeċad, no ac ferṫain cneiḋi air no co ria fuiliugaḋ, is cutruma na saṫa deiric na cneidi do dul re lar ann; o ṫa sin amaċ dic do tigerna in beiċ ris in duine.

Mas ac ferṫain ban beime ar in duine ro marbustar in beċ, is a mbiṫ aigid in aiġiḋ.

Masa ac ferṫain cnocbeime ar in duine ro marbustar se in beċ, is cetheora cuicid do dul re lar, ocus cuiced dic.

Mas ac ferṫain banbeime facaib feiṫ fo saeṫ, no glas, no at, no derg, is tri cuicid do dul re lar, ocus da cuiceaḋ dicc.

Mas ac ferṫain ain no deda dib, co leiṫ cuicid do dul re lar, ocus cuicid dic.

O na beċaib ata sin is na dainib, ocus o na dainib is na bechaib.

Cid bias o na beċaib is na robaib, ocus o na robaib is na beċaib? Ma ro caeċustar no ma ro marbustar in beċ in rob, cret bias and? In tainmraindi geber in ces ata o bechaib a caeċad in duine, no in da cis ata uad ina marbaḋ i coirpdiri aicinta in duine, curub e in tainmraindi sin gabas i lan dire aicenta in ruib in ni bias o bech ina caeċad no na marbaḋ. Leṫ a fuil ina marbad [ina caeċaḋ], no na croli bais co neitirimdibi baill; mana fuil eitirimdibe baill, is leṫ cenmoṫa leṫ a cuicid, masa rob ceṫarda; no leṫ cenmoṫa leṫ a leṫe, masa rob diabalta. A da trian sin ina croli cumaile; a trian in inandraig sé set; cutruma seisid no seċtmaiḋ co na contabairt ris isin ninannraiġ seċt set, seċ a mbia isin inannraig sé set.

From the *owners of the* bees these *fines* are *due* for the persons.

What shall be *due* from the persons for the bees? If the person has killed the bee while blinding him, or inflicting a wound on him until it reaches bleeding, a proportion of the full meal of *honey equal to* the 'eric'-fine for the wound shall be remitted in the case; the remainder is to be paid by the owner of the bee to the person *injured.*

If the person killed the bee while inflicting a white wound upon him, they (*the fines*) shall be *set off* against each other.[a]

If the person killed the bee while inflicting a lump-wound on him, four-fifths *of the fine* shall be remitted, and one-fifth paid.

If it was while inflicting a white wound which left a sinew under pain, or green, or swollen, or red, *he killed the bee,* three-fifths *of the fine* are to be remitted, and two-fifths paid.

If it was while inflicting one or two of them (*the wounds*) *he killed the bee,* half one-fifth is to be remitted, and one-fifth paid.

From *the owners of* the bees these *fines* are *due* for the persons, and from the persons for the bees.

What shall be *due* from the *owners of the* bees for the animals *injured,* and from the *owners of the* animals for the bees? If the bee has blinded or killed the animal, what shall be *the fine* for it? The proportion which the hive that is *due* from *the owners of* the bees bears to *the fine for their* blinding the person, or which the two hives that are *due* for their killing him bear to the natural body-fine of the person, is the proportion which the full natural 'dire'-fine of the animal shall bear to that *fine* which shall be *due* from the bee for blinding or killing it (*the animal*). One-half of what is *due* for killing it *is due* for blinding it, or inflicting a death-maim which necessitates[b] the removal of a limb; if there be no removal of a limb, it (*the fine*) is one-half, less half one-fifth, if it be a quadruple animal; or one-half, less the half of one-half, if it be an animal of double. Two-thirds of this *are due* for a 'cumhal'-maim; one-third for a tent-wound of six 'seds'; *and* an equivalent of a sixth or seventh part is to be added to it for a tent-wound of seven 'seds,' over and above what shall be *due* for the tent-wound of six 'seds.'

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[a] Ir. *Face to face.*

[b] Ir. *With.*

Cret bias o bec̃ i fuiliugad̃ in ruib? In tainmrainde gabus in tsait̃ do mil ata o bec̃ i fuiliugad̃ isin cesaig̃ ata uad ina marbad̃, corub é in tainmraindi sin gabus in eric caec̃da no marbt̃a in ruib in ní bias ó bec̃ ina fuiliugad̃ .i. cet̃eora cuicid in tainmraindi na cnoicbeim, a tri cuicid na ban beim facaib feit̃ fo saet̃, no na glas, no na at, no na derg.

Mad aen no deda dib, is da cuiced co let̃ cuicid. Da cuiced nanmraindi ina ban beim aicenta.

O na bec̃aib ata sin is na robaib. Cret bias o robaib is na bechaib? Ma ro marbustar in rob in bec̃ ica c̃aec̃ad̃, no ica marbad̃, no ic fert̃ain cneid̃i air no co ria fuiliugad̃, is cutruma sat̃a deiric na cneidi do dul re lar, ocus a fuil and o t̃a sin amach dic do tigerna in beic̃ re tigerna in ruib.

Mas ac fert̃ain fuilig̃t̃i ar in rob ro marbustar re in bech, is a mbith aig̃id̃ in aig̃id̃ .i. fuiliugad̃ in ruib ocus marbad̃ in beic̃; no dono c̃ena, in deit̃bir atá itir fuiliugad̃ in duine ocus fuiliugad̃ in ruib corub e in deit̃bir sin icter o tigerna in ruib re tigerna in beich.

Mas ac fert̃ain cnocbeime air, is cethruimt̃i cuicid do dul re lar, is cuiced dic, in deit̃bir.

Más ac fert̃ain bain beime facaib feit̃ fo saeth, no glas, no at, no derg, is a tri cuicid do dul re lar, is da cuicid dic isin deit̃beir.

Mas ac fert̃ain ain no deda dib, is da cuicid cu leit do dul re lar, is da cuiced̃ co let̃ dic isin deithbir.

Mas ac fert̃ain banbeim aicinta air, is cuiced do dul re lar, ocus [ceit̃ri] cuicid dic isin deit̃bir.

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[1] *Two-fifths and a half.*—The MS. E. 3, 5 here reads "two-fifths of a fifth," which is manifestly wrong. Accordingly Dr. O'Donovan substituted "cu léit̃, and a half" for "cuicid, of a fifth."

[2] *And four-fifths.*—The Irish for four has here been put in as an emendation needed to make sense.

What shall be *due* from a bee for making the animal bleed? The proportion which the full meal of honey that is *due* from a bee for making *a person* bleed bears to the hive that is *due* from it for killing him, is the proportion which the 'eric'-fine for blinding or killing the animal bears to that which will be *due* from a bee for making it bleed, i.e. four-fifths is the proportion for its lump-wound, three-fifths for its white wound which leaves a sinew in pain, or green, or swollen, or red.

If it be one or two of them *that are inflicted*, it (*the fine*) is two-fifths and half one-fifth. Two-fifths *is* the proportion for a natural white wound.

From the *owners of the* bees these *fines* are *due* for the animals. What shall be *due* from *the owners of* animals for the bees? If the animal killed the bee while *in the act of* blinding it, or killing it, or inflicting a wound upon it until it reaches bleeding, a proportion of the 'eric'-fine for the wound equal to a full meal *of honey* shall be remitted, and the remainder shall be paid by the owner of the bee to the owner of the animal.

If it was while *in the act of* causing the animal to bleed it (*the animal*) killed the bee, they i.e. the bleeding of the animal and the killing of the bee, shall be *set off* against each other; or else, indeed, *according to others*, the difference which is between causing a person to bleed and causing an animal to bleed is the difference that shall be paid by the owner of the animal to the owner of the bee.

If it was while inflicting a lump-wound on it *the bee was killed*, four-fifths shall be remitted, and one-fifth, the difference, paid.

If it was while inflicting a white wound which left a sinew in pain, or green, or swollen, or red, *the bee was killed*, three-fifths shall be remitted, and two-fifths, for the difference, paid.

If *the bee was killed* while inflicting one or two of them (*the wounds*), two-fifths and a half[1] shall be remitted, and two-fifths and a half, for the difference, paid.

If *the bee was killed* while inflicting a natural white wound on it (*the animal*), one fifth shall be remitted, and four-fifths,[2] for the difference, paid.

Ma ro bátar garḋaḋa imda ann, no ma ro batar beiċ imda, is crandċur do ċur ce in garda o ndernad in fogail; ocus o ra findfaiter, aċt ma ro batar selba imda isin garda isin, is crandċur do ċur orro co findtar in trelb o ndernad in fogail; ocus o ra findfaiter, aċt ma ro batar [cesa] imda isin treilb sin, is crandċur orro co findtar in cis airiṫi o ndernad in fogail. Ocus is e faṫ ar a ndernad sin, narab droċ cis i ninad deiġcearach, ocus narab deiġcis i ninad droċceraċ; aċt curub i in cis o ndernad in fogail deċ isin cinaiḋ.

Mas tri comraiti no tri anfot feirgi indeiṫbiri ro marb in duine in beċ, saiṫ fir do mil ar son aithgina, is ceiṫri saṫa ar son dire.

Mas tria anfot feirgi deiṫbiri, saiṫ fir do mil ar son aithgina, ocus da saiṫ ar son dire.

Mas tria indeiṫbire torba, saiṫ nama ar son naithgina.

O beċaib urraiḋ ata sin i nduine; a leṫ o beċaib deoraiḋ; a cethruimṫi o beċaib murcuirṫi; noco nuil ni o beċaib dair, no co ria othrus no aithgin, ocus o ro sia. O beċaib urraiḋ ata sin im duine; a ceiṫri seċtmaid o beċaib deoraiḋ; da seċtmad ocus in cethruma rand dec o beċaib murcairṫi; noco nuil ní o beċaib dair, no co ria othrus no aiṫgin, ocus o ra sia. O beċaib urraiḋ ata sin im boin; a leṫ o beċaib deoraid; a cethruime o beċaib murċuirṫi; ocus noco nuil ni o beċaib dair no co ria othrus no aithgin, ocus o ro sia. O beċaib urraiḋ ata sin im

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[1] *Many hives.* The Irish word for hives has been put in on conjecture, as necessary to complete the sense.

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If there were many gardens, or if there were many bees, lots are to be cast *to discover* from which garden the injury was done; and when it shall have been discovered, if there were many possessions in that garden, lots are to be cast on them till the *particular* possession be discovered from which the injury was done; and when it shall have been discovered, if there were many hives[1] in that possession, lots are *to be cast* upon them until the particular hive from which the injury was done shall have been discovered. And the reason why this is done is, that a bad hive may not be *given* in place of a good hive, or that a good hive may not be *given* in place of a bad hive; but that the *very* hive from which the injury was done may go for the injury.

If it was intentionally or inadvertently in unlawful anger the person killed the bee, a man's full meal of honey *shall be given* as compensation, and four full meals as 'dire'-fine.

If it was inadvertently in lawful anger *he killed the bee*, a man's full meal of honey *is given* as compensation, and two full meals as 'dire'-fine.

If it was through unnecessary profit *he killed the bee*, only a full meal *of honey is given* as compensation.

This is *due* from the bees of a native freeman for a person; the half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; there is nothing *due* from the bees of a 'daer'-person, until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due* for a person; four-sevenths thereof from the bees of a stranger; two-sevenths and one-fourteenth from the bees of a foreigner; there is nothing *due* from the bees of a 'daer'-person, until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due* for a cow; the half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; and there is nothing from the bees of a 'daer'-person until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the

ech; a lec̃ o bec̃aib deoraib̃; a cethruimt̃i o bec̃aib murc̃airt̃i; ocus noco nuil ni ó bec̃aib dair no co ria ot̃rus no aithgin, ocus o ra sia. O bec̃aib urraib̃ ata sin; a cethruimt̃i o bec̃aib deoraib̃; lec̃ ocus sec̃tmad o bec̃aib murc̃uirt̃i; cert lec̃ o bec̃aib dair.

Cin ceathra.

.1. masa cunntabairt in nuathaib no nach uac̃aib do rigned in marbad̃, is rog̃a na selbach ara tairmillter ata in crandc̃or do genat no in ait̃gin icfait; ocus mad he a rog̃a in crandc̃ur, is cranncur do c̃ur etarru, co festar in torc̃air orro no na torc̃air; ocus ma do rochair orro, ma tait selba imda ann, is crandc̃ur do c̃ur ar cac̃ selbac̃ díb co festar in selbac̃ dib ar a torc̃air; is crandc̃or do [c̃ur] ar cac̃ mil fo leit̃ in seilb sin, cu festar in mil airit̃i do rigne in fog̃ail; ocus lan fo aicned in mil sin amach ann. Ocus da mad ferr leo aithgin dic cen crandc̃ur itir.

Mas e a rog̃a in aithgin dic cen crandc̃ur itir, mas acu uile ata in mil comaes ocus commait̃ in mil ro marbad̃ and, is crandc̃ur do c̃ur cu festar cia dib da ro in aithgin dic amach; ocus in ti dib da ráinic icad aithgin amach; ocus in eiric o cac̃ eisti, cenmot̃a in cutruma ro roised da t̃seilb budéin.

Mana uil ac neoc̃ dib itir mil comaes no commait̃ in mil ro marbad and, iccait uile aithgin amach; ocus denat sec̃t ranna de im duine, ocus cuic ranna im boin, ocus da rann im ech.

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[1] *The proportion which would fall on his own property.* That is, the other owners pay him the compensation he made in the first instance, except his own portion of it.

bees of a native freeman this is *due* for a horse; half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; and there is nothing *due* from the bees of a 'daer'-person until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due;* a fourth thereof from the bees of a stranger; a half and a seventh from the bees of a foreigner; an exact half from the bees of a 'daer'-person.

Injuries *in the case* of cattle.

That is, if it be doubtful whether it was by them or not by them the killing was committed, the owners who are sued for them have their choice whether they will cast lots or pay compensation; and if the casting of lots be their choice, lots shall be cast between them, that it may be known whether it (*the lot*) falls upon them or falls not; and if it falls upon them, if there be many possessions, lots shall be cast on each proprietor of them, until it is known on which proprietor of them it falls; *and* lots shall be cast upon each animal separately of that *particular* possession, until the particular animal that did the injury is known; and full *fine* according to the nature of that animal *shall be paid* out for it. And should they prefer to pay compensation without casting lots at all, *they may do so.*

If it be their choice to pay the compensation without casting lots at all, if they have each[a] an animal of the same age and quality as the animal that was killed on the occasion,[b] lots are to be cast that it may be known by which of them the compensation is to be paid out; and he upon whom it has fallen shall pay the compensation out; and the 'eric'-fine *shall be paid* by each of them *to him,* except the proportion which would fall on his own property.[1]

If none of them has an animal of the same age and quality as the animal that was killed on the occasion, they all *conjointly* pay *the* compensation out; and they make seven parts of it *when it is* for a person, and five parts *when* for a cow, and two parts *when* for a horse.

[a] Ir. *All.*

[b] Ir. *In it.*

Mara cindti conad uaṫaib do rigned in marbaḋ, ocus comad he roġa na selbaċ in naithgin; mad ferr leis in feichemuin toicheda in crandċur, is crandċur do tabairt do. Ocus cemad he roga in feiċeman in aithgin, mas e a roġa na selbaċ in crandċur, is crandċor do berat.

Cach uair is e a roġa in crandċur, noco neicen crandcur da fir in uaṫib no naċ uathib; aċt crandċur do ċur ar cach selbaċ, co festar in selbaċ dib ar a torċair; crandċur do ċur ar caċ mil fo leiṫ ana selb sin, cu festar in mil airiṫi do rigne foġail; ocus is ni fo aicned in mil sin dic amach and. No, mad ferr leo aithgin dic [cen] crandcor itir, maiṫ dóib araen in aithgin ann. Maith don feichemain toicheda aithgin iniċ dic sir, uair mara mil cetcintaċ beiṫ ro fuachtnaig sir, noco biad aċt a dul for diburdud do. Maiṫ do na selbaċaib aithgin iniċ do gabail uaṫib, uair mara mil biṫbineċ ro fuaċtnaig uaṫu, ro icfaitis dire re taeb naithgina.

Caċ uair is comdeoin leo araen in aithgin dic, denat seċt ranna di im duine, ocus cuic ranna im boin, ocus da rand im each.

Mara indille lain, ocus leiṫi, ocus aithgina, ocus im duine, secht ranna ar tus; teacht co hindillib leṫe im tri rannaib aile, ocus comicait etarru; tecait indilli lain ocus indilli leṫe co indille aithgina im an seċtmad rann, ocus comicat etarru.

Mara indilli lain ocus indille leṫi fuil ann, icat indilli lain tri ranna as ar tus, ocus tecait co indilli leṫi im ceiṫri randaib, ocus comicat etarru.

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[1] *If it be cattle of full.* The manuscript is very defective or corrupt here, and it is not easy to ascertain what sort of cattle is meant by the terms "cattle of full," &c.

If it be certain that it was by them the killing was committed, it should be the choice of the owners *to pay* the compensation ; if the plaintiff prefers the casting of lots, the casting of lots shall be given him. And though the choice of the plaintiff should be the compensation, if the choice of the owners be the casting of lots, they shall have the casting of lots.

Whenever the lot-casting is their choice, it is not necessary to cast lots to know whether it was by them or not by them *the injury was done ;* but lots shall be cast upon each owner, that it may be known on which owner of them it falls ; lots shall be cast upon each animal separately in his herd, till the particular animal *of them* that did *the* injury is ascertained ; and a fine[a] shall be paid out according to the nature of that animal. Or, if they prefer paying compensation without casting lots at all, *to have* the compensation is good for them both. *It is* good for the plaintiff that full compensation be paid to him, for if it were an animal of first offence that committed the injury, there would be *nothing* but its going in satisfaction *for the injury done* to him. *It is* good for the owners that full compensation be accepted from them, for if it was a wicked beast of theirs that committed the injury, they should pay 'dire'-fine together with compensation.

Whenever they are both mutually satisfied that the compensation should be paid, they make seven parts of it *when* for a person, and five parts *when* for a cow, and two parts *when* for a horse.

If it be cattle of full,[1] and of half, and of compensation *that are concerned*, and for *injuring* a person, seven divisions *are made* at first ; *the cattle of full pay three parts,* they come *into shares* with cattle of half for other three parts, and they pay equally between them ; the cattle of full and the cattle of half come *into shares* with the cattle of compensation for the seventh part, and they pay equally between them.

If it be cattle of full and cattle of half that are in question, the cattle of full pay three parts out of it at first, and come *into shares* with the cattle of half for *the other* four divisions, and they pay equally between them.

[a] Ir. *Thing*

Mara indilli lain ocus indilli aithgina uil ann, icat indille lain re reċtmad as ar tus, ocus tecait co indilli aithgina im an reċtmad rann, ocus comicat etarru.

Mara indille leṫe ocus aithgina ann, ceiṫri ranna do denum don aithgin; icait indilli leṫi tri randa as ar tus, ocus tecait co hindilli aithgina im an reċtmad rann, ocus comicat etarru.

Mara indilli lain, ocus leṫe, ocus aithgina, im boin, cuic ranna do denum don aithgin ann; icat indilli lain da raind as ar tus, ocus tecait co hindillib leṫe im da randaib aile, ocus comicat etarru; tecait indilli lain ocus indilli leṫe cu hindillib aithgina im in cuiced rand, ocus comicat eturru.

Mára indilli lain ocus indilli leṫe, icat indilli leiṫi da raind as ar tus, ocus tecait co hindillib aithgina im in tres rand, ocus comicat etarru.

Mara indilli lain, ocus leṫi, ocus aithgina, im ech, da raind daen raind dib sin; icait indilli lain ceṫruimṫi as ar tus; ocus tecait indilli lain co hindillib aithgina im leṫ, ocus comícat etarru.

Mara indilli lain ocus indilli aithgina uil ann, icat indille laín in leṫ ata ar seaċ diri ass ar tus, ocus tecait co indillib aiṫgina im in leṫ ata ar seaċ aithgina, ocus comicat etarru.

Mara indilli leṫe, ocus aithgina uil and, tri randa do denum don aithgin and; icat indilli leṫi trian as ar tus, ocus tecait co indillib aithgina im da trian, ocus comicat etarru.

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[1] *Four parts are to be made of the compensation.* The MS., E. 3, 5, is either defective or corrupt here, as while stating that four divisions are made of the compensation in this special case, it speaks immediately after of a seventh part, as if the division had been seven-fold.

If it be cattle of full and cattle of compensation that are in question, the cattle of full pay six-sevenths out of it at first, and they come *into shares* with the cattle of compensation for the *remaining* seventh part, and they pay equally between them.

If it be cattle of half and of compensation *that are* in question, four parts are to be made of the compensation[1]; the cattle of half pay three parts out of it at first, and they come *into shares* with the cattle of compensation for the seventh part, and they pay equally between them.

If it be cattle of full, and of half, and of compensation *that are in question*, for *injury to* a cow, five parts are to be made of the compensation then; the cattle of full pay two parts out of it at first, and they come *into shares* with the cattle of half for other two parts, and they pay equally between them; the cattle of full and the cattle of half come *into shares* with the cattle of compensation for the *remaining* fifth part, and they pay equally between them.

If it be cattle of full and cattle of half *that are in question*, the cattle of half pay two parts out of it at first, and they come *into shares* with the cattle of compensation for the third part, and they pay equally between them.

If it be cattle of full, and of half, and of compensation *that are in question*, for *injury to* a horse, two parts *are to be made* of one part of them; the cattle of full pay one-fourth out of it at first; and the cattle of full come *into shares* with the cattle of compensation for *another* half *part*, and they pay *it* equally between them.

If it be cattle of full and cattle of compensation that are in question, the cattle of full pay the half which is for 'dire'-fine out of it at first, and they come *into shares* with the cattle of compensation for the half which is for compensation, and they pay equally between them.

If it be cattle of half, and of compensation, that are in question, three parts are to be made of the compensation in the case; the cattle of half pay one-third out of it at first, and they come *into shares* with the cattle of compensation for two-thirds, and they pay equally between them.

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Anmanda a fuil diri ocus aithgin sin; ocus mara anmand imda sin smacht ocus aithgin, ac̃t ma tait ceit̃ri cutrumais na aithgina do smac̃t, is aradu treoit cet̃arda; mara cutrumus a smac̃ta ocus an aithgin, is aradu treoit diabulta.

Mara mo a smac̃t ana in aithgin, ocus ni fuilit ceitri cutrumais na haithgina do smac̃t and, no mara mo anait ceitri cutrumais na haithgina uil ann, in tainmrainde geibes in aithgin [1] smact ocus an aithgin, corub e in tainmrainde hisin bes acut ar indillib aithgina; ocus a fuil and o t̃a sin amac̃ a roind ar do; a let̃ dic dindillib láin as ar tus; tecait indilli láin co hindillib leit̃i im let̃, ocus comicat etarru. Tecait indilli lain ocus indilli let̃i co hindillib aithgina im in raind ata ar seat̃ aithgina, ocus comicat etarru.

Ma ta selbac̃ bo imda ann, ocus selbac̃ aen bo; mad seaḋ a deir fer na mbo imda na leicfea i cuibdius cuici fer na haen bo, ocus targaid fer na haen bo tiac̃tain a cuibdius, ocus noco nurailenn dligeḋ air fer na mbo imda a lecod a cuibdius c̃uici, manab ail do budéin; ac̃t icad fer na aen bo cutruma re fer na mbo imda.

Ma leiciḋ fer na mbo imda a cuibdius c̃uici fer na haen bo, indseogat let co breit̃emain dá fis cindas icfait. Ised a deir breitheam: noco nicann fer na haen bo ac̃t cutruma re haen boin a comaicinta ac fir na mbo imda.

Mara indile lain, ocus leit̃i, ocus aithgina, ac marbaḋ in arcon anrait̃, ceit̃ri ranna do denum don aithgin ann; cethruimt̃i ocus oc̃tmad dic dindilib láin as ar tus, ocus tecait indili láin co hindillib let̃i im cet̃ruimt̃i ocus im

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[1] ‘*Anraith*’-*poet*.—“Anruth, nomen secundi gradus poetarum.”—*Cormac's Glossary*.

These are animals for which there is 'dire'-fine and compensation; and if they be animals for which there is 'smacht'-fine and compensation, if the 'smacht'-fine be four times the amount of the compensation, they are disposed of like 'seds' of quadruple;[a] if their 'smacht'-fine and their compensation be equal, they are disposed of like 'seds' of double.

If their 'smacht'-fine be greater than the compensation, and the 'smacht'-fine is not four times the compensation in the case, or if more than four times the compensation is in question, the proportion which the compensation bears to the 'smacht'-fine and the compensation, is the proportion to be paid[b] for cattle of compensation; and what there is from that out is to be divided in two; the cattle of full pay half out of it at first; *and* the cattle of full come *into shares* with cattle of half for *the other* half, and they pay equally between them. Cattle of full and cattle of half come *into shares* with cattle of compensation for the part which is for compensation, and they pay equally between them.

If there be an owner of many cows, and an owner of one cow; if what the owner of the many cows says is, that he will not permit the owner of the one cow *to come* into shares with him, and the owner of the one cow offers to come into shares *with him*, and the law does not compel the owner of the many cows to allow him to come into shares with him, unless he likes it himself; but the owner of the one cow shall pay as much as the owner of the many cows.

If the owner of the many cows permits the owner of the one cow *to come* into shares with him, they shall proceed[c] to a Brehon to know how they shall pay. What the Brehon says is:—"The owner of one cow pays only a portion equal to *that of any* one cow of the same nature with her which the owner of the many cows has."

If it be *a case of* cattle of full, and of half, and of compensation *together*, killing the chained dog of the 'anraith'-poet,[1] the compensation in the case is to be divided into four parts; the cattle of full pay the fourth and the eighth out of it at first, and the cattle of full come *into shares* with the cattle of half for one-

[a] Ir. *They are gradations of 'seds' of quadruple.*

[b] Ir. *With thee.*

[c] Ir. *Go with you.*

oċtmad, ocus im comícat eturru, Tecait indille lain ocus indille leṫe co indillib aithgina im an cethraman ata ar scaċ aiṫgina, ocus comicait etarru.

Mara indile lain ocus indilli leṫe, icat indille lain cethruimṫi ocus oċtmad as ar tus, ocus tecait co indilib leṫe im leiṫ ocus im seċtmaḋ, ocus comicat etarru.

Mára indili lain ocus aithgina uil ann, icat indili láin teora cethruimṫi as ar tus, ocus tecait co indilib aithgina im in cethruimṫi ata ar scaċ aithgina, ocus comicat etarru.

Mara indile leṫe, ocus aithgina uil ann, cuic ranna do denam don naithgin ann; icat indile leṫe trí ranna as ar tus, ocus tecait co indillib aithgina im da rannaib, ocus comicat etarru.

Diles i nosbreṫaib.

.i. geibid greim ime ocus escaire re fer neolaċ criċi ocus seċtar criċi do gres, cid ar forrot cid ar primrot, cid glan cid salaċ primrot, can ni ind co bas, na iar mbas.

Nocu geibenn greim ime na escaire fri fer naneolaċ criċi na seċtar criche do grés, ar primrot na ar forrot, mara salaċ primrot, cid glan cid salaċ forrot; no for primrot air budein, cid salaċ cid glan; geibid im-urro for forrot, mara glan primrot; ocus ma do ċuaid for forrot, ocus glan primrot, fer teite di rot ar scis imteċta, slan act ní esle ainim de, slan he co bas, ocus trian ind iar mbas.

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[1] *One-eighth.*—The Irish is 'one-seventh,' which is plainly wrong.

fourth and one-eighth, and they pay *it* equally between them. The cattle of full and the cattle of half come *into shares* with the cattle of compensation for the one-fourth which is for compensation, and they pay *it* equally between them.

If it be cattle of full and cattle of half *that are in question*, the cattle of full pay one-fourth and one-eighth out of it at first, and they come *into shares* with the cattle of half for one-half and one-eighth, and they pay *it* equally between them.

If it be cattle of full and *cattle* of compensation, that are in question,[a] the cattle of full pay three-fourths out of it at first, and they come *into shares* with the cattle of restitution for the fourth which is for compensation, and they pay *it* equally between them.

If it be cattle of half, and of compensation, that are in question,[a] the compensation is to be divided into five parts then; the cattle of half pay three parts out of it at first, and they come *into shares* with the cattle of compensation for two parts, and they pay equally between them.

What is lawful in deer judgments.

That is, fence and notice always take effect against a person having a knowledge of the territory and of the *parts* outside of the territory, whether upon a bye-road or a high-road, whether the high-road be clean or dirty, *and* there is no fine[b] for it until death, or after death.

Neither fence nor notice takes effect at any time against a man who has no knowledge of the territory or of the *parts* outside of the territory, upon a high-road or upon a bye-road, if the high-road be dirty, whether the bye-road be clean or dirty; nor upon the high-road itself, whether dirty or clean; it takes *effect*, however, upon a bye-road, if the high-road be clean; and if he went upon the bye-road, the high-road being clean (*i.e. if* a man goes off the road through fatigue in travelling), *there is* exemption *for injuries to him*, but so as his life be not lost—exemption until death, but there is *only* one-third *penalty* for him after death.

[a] Ir. *In it.*

[b] Ir. *Thing.*

Aneolac̃ in duine ris ar foglad and, ocus ime ocus escaire uil ann; ocus seised ind a dualgus aneolus, ocus seised aile a dualgus nemcluinsin na escaire; conad trian ind iar mbas. Trian in lan dire la aithgin on cuit̃ig etec̃ta, no trian na aithgina on cuit̃ig cuc̃aire tec̃ta.

A bail aṫa, atbaill seon, trian dire ar anrac̃t; erlid uad annsin. Trian dire isin naimdiriataid do rine tec̃t dar ime a ceile, manab da sẹt conaire no ceime. Manub da set conaire .i. in primrot no ceime baile i ceimnig̃enn cac̃ isin n[ḟ]aic̃e, uair noco nerlenn uada and sin. Ime cen escairi uil ann, ocus aneolac̃ in duine ris ar foglad ann; ocus let̃ ind cu bass a dualgus aneolais, cona da trian ind iar mbas. Ocus noco gabar in trian tuas ind, ac̃t a gabail on seised̃ sa; act am̃ail ata in seised̃ sund iar mbas a dualgus a aneolais, coir ce na beit̃ seised aile ind a dualgus nemcloistechta na hescaire; conad amlaid sin is trian iar mbas. Trian in lan diri ro imurro on bir airnil, no da trian in let̃ diri on cuit̃ig cuc̃aire etechta, no da trian na aithgina on c̃uc̃aire tec̃ta; lan diri re taeb aithgina on bir airnil a faic̃i, cen ime cen escaire, cid im boin cid im ec̃. Cen escaire, ocus ma ta ime, is let̃ diri la aithgin; ma tait mar aen, ime ocus escaire, islán.

Mara bir airnil itir faịc̃e ocus diraind, cet̃ruimt̃i diri re taeb aithgina ann im duine, ocus trian diri re taeb aithgina im boin, ocus da trian diri re taeb aithgina

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[1] *If it was not in his direct path.* That is, such is the rule if the fence be not in his direct path, i.e. because his death is not the direct, immediate result of the pitfall; i.e. he was himself guilty of contributory negligence.

In this case the person who was injured has no knowledge *of the territory*, and it is a case of "fence and notice": and there is one-sixth 'dire'-fine for him through his want of knowledge, and another sixth on account of not having heard the notice; so that there is one-third for him after death. *There is* one-third of the full 'dire'-fine with compensation from *the owner of* the unlawful pitfall, or one-third of the compensation from the hunter who owns the lawful pitfall.[a]

Where it is said "he died, one-third of 'dire'-fine for illegality;" he died of it then. One-third of 'dire'-fine *is due* for the illegality which he committed *in* coming over the fence of his neighbour, if it was not in his direct path or in his way. If it was not in his direct path,[1] i.e. *in* the chief road or path where all walk in the green, for he does not die from it then. There is a fence but no notice in the case *then*, and the person who was injured had no knowledge *of the territory*, and there is one-half '*dire*'-*fine* for him until death, on account of his want of knowledge, so that two-thirds are *paid* for him after death. And the third above *mentioned* is not found in it (*the book*), but is inferred from this sixth; for, as there is the sixth here after death on account of his want of knowledge, it is right that there should be another sixth on account of his not having heard the notice; so that in this way it (*the* '*dire*'-*fine*) is one-third after death. Now, one-third of this 'dire'-fine is *paid* for the set-spear, or two-thirds of the half 'dire'-fine for the pitfall of the unlawful hunter, or two-thirds of compensation for *the pitfall of* the lawful hunter; full 'dire'-fine with compensation for the set-spear in a green, without a fence, without notice, whether for *injury to* a cow or for a horse. *This is* when there is no[b] notice, and if there be a fence, it (*the penalty*) is half 'dire'-fine with compensation; if there be both, a fence and notice, it is *a case of* exemption.

If it be a *case of a* set-spear between a green and a wild place, one-fourth of 'dire'-fine with compensation *is due* in the case for *injury to* a person, and one-third of 'dire'-fine with compensation for a cow, and two-thirds of 'dire'-fine

[a] Ir. *The pitfall of the lawful hunter.*

[b] Ir. *Without.*

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im eč. Cen ime cen escaire sin, ocus ma ta ime, is leť cacha raindi; ma tait mar aen, ime ocus escairi, islán.

Mara bir airnil i sleib no i ndiraind, cethruimťi na cethruimťi diri la taeb naithgina and im duine, trian in trian dire re taeb naiťgina and im boin, ocus da trian in da trian diri re taeb naiťgina ann im eč. Cen ime cen escaire atá sin; ocus ma ta ime, is leť cača raindi; ma tait mar aen, ime ocus escaire, islán. Leť diri la taeb naithgina on cuiťig cučaire etečta i faiche, cen ime cen escairi, cid im boin, cid im eč, cid im duine. Ma tait mar aen, ime ocus escaire, islán.

Mára cuithe cučaire etečta i sleib no i ndiraind, ceťruimťi naithgina ann im duine, ocus trian naithgina im boin, ocus da trian naithgina ann im eč, cen ime cen escaire; ocus ma ta ime, is leť cača raindi; ma tait mar aen, ime ocus escaire, islán.

Aithgin on cuiťig cuchaire tečta i faiče, cen ime cen escaire, cid im boin, cid im duine, cid im eč. Cen ime cen escaire sin. Ma ta ime, is leť cacha rainde; ma tait mar aen, ime ocus escairi, islán.

Mara cuiťig cučaire tečta itir faiči ocus diraind, ceťruimťi aithgina and im duine, ocus trian naithgina im eač. Cen ime cen escairi ata sin; ocus ma ta ime, is let cača rainde. Ma tait mar aen, ime ocus escairi, islan.

Mara cuiťig cučaire tečta i sleib no ndiraind, ceťruimťi na ceťruimťi aithgina im duine ann, ocus trian in trin naithgina ann im boin, ocus da trian in da trin im eč.

with compensation for a horse. This *is the case* when there is neither a fence nor notice, but if there be a fence, it (*the penalty*) is half of each *before mentioned* portion; if there be both, a fence and notice, there is exemption.

If it be *a case of* a set-spear in a mountain or in a wild place, *there is a penalty of* one-fourth of the one-fourth of 'dire'-fine with compensation for *injury to* a person in the case, one-third of the third of 'dire'-fine with compensation for a cow, and two-thirds of the two-thirds of 'dire'-fine with compensation for a horse. This is *the rule* when there is neither fence nor notice; but if there be a fence, it (*the penalty*) is half of each portion; if there be both, a fence and notice, there is exemption. Half 'dire'-fine with compensation *is payable* for the pitfall of the unlawful hunter in a green, without a fence without notice, whether for *injury to* a cow, or for a horse, or for a person. If there be both, a fence and notice, there is exemption.

If it be a pitfall of an unlawful hunter in a mountain or in a wild place, one-fourth of compensation *is due* for *injury to* a person in the case, and one-third of compensation for a cow, and two-thirds of compensation for a horse, when there is neither fence nor notice;[a] but if there be a fence, it (*the penalty*) is half of each portion; if there be both, a fence and notice, there is exemption.

Compensation *is due* from the pitfall of the lawful hunter in a green, without fence or notice, whether for *injury to* a cow, or for a person, or for a horse. This is when there is neither fence nor notice. If there be a fence, it is half of each division; if there be both, a fence and notice, there is exemption.

If it be a pitfall of a lawful hunter between a green and a wild place, there is one-fourth of compensation *payable* for *injury* to a person in the case, and one-third of compensation for *injury to* a horse. This is when there is neither fence nor notice; but, if there be a fence, it (*the penalty*) is half of each portion *before mentioned.* If there be both, a fence and notice, there is exemption.

If it be a pitfall of a lawful hunter in a mountain or wild place, a fourth of the fourth of compensation *is due* then for a person *injured,* and a third of the third of compensation for a cow, and two-thirds of the two-thirds for a horse.

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[a] Ir. *Without fence, without notice.*

THE BOOK OF AICILL.

Cen ime cen escairi ata sin; is ma ta ime ocus escaire, islan; uair nocu neicen imme cun čučairi tečta i sleib no i ndirainn. Ocus is e aen inad i ngeibenn greím escaire i necmais imme; uair geibid greim ime i necmais escaire, ocus ni geibenn escaire i necmais ime.

Do gabar in lan uil uaithib i faiči; ocus noco nagabar in lan uil uaťib uili, itir faiťči ocus dirainn, no i sleib, no i ndirainn ata, ačt a gabail on cuiťi čučairi etechta.

Canas a ngabar teora ceťruimti diri ata on bir airnil itir faiťe ocus dirainn im duine? Is as gabair, on cuiťi čučaire etečta i faiťi; uair tri cumala dire ocus cumal aithgina atá uaiťi itir faiťi im duine, is e a cethruimťi sin in cumal ata uaiťi itir faiťi ocus dirainn im duine; coir no deiside, uair is lan diri uil on bir airnil a faiťi im duine, cemad ceťruimťi diri do beiť uad itir faiťi ocus dirainn im duine.

Canas a ngabar in trian diri uil on bir airnil itir faiťi ocus dirainn im boin? Is as gabair, on cuiťig etečta tall i faiči; uair da ba diri ocus bo aithgina ata uaiťi ťall i faiči im boin. Is e a trian sin in bo aithgina ata uaiťi itir faiči ocus dirainn im boin; coir no deiside, uair is lan atá o bir airnil i faiči in bo, cemad trian do beiť uad itir faiči ocus dirainn im boin.

Canas a ngabar in da trian diri ata o bir airnil itir faiči ocus dirainn im eč? Is as gabair, on cuiťi čučairi

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[1] *But if there be a fence and notice.*—The Irish for "a fence and" must have been introduced into the MS. by the mistake of a copyist, as appears from the next clause.

This is *the case* when there is neither fence nor notice; but if there be a fence and notice,[1] there is exemption; for a fence is not necessary in the case of the lawful hunter in a mountain or a wild place. And it is the only instance in which notice takes effect without a fence; for a fence takes effect without notice, but notice does not take effect without a fence.

The full *fine* which is *due* from them in a green is found *in law books;* but the full *fine* which is *due* from them all, between a green and a wild-place, or in a mountain, or in a wild-place, is not found, but is inferred from the pitfall of the unlawful hunter.

Whence is it derived that three-quarters of 'dire'-fine are *due* from the *owner of the* set-spear *when* between a green and a wild-place for *injury to* a person? It is derived from *the rule respecting* the pitfall of an unlawful hunter in a green; for it is three 'cumhals' of 'dire'-fine, and one 'cumhal' of compensation that are *due* from *the owner of* it in a green for *injury to* a person, the fourth of that is the 'cumhal' which is *due* from it *when* between a green and a wild-place for *injury to* a person; it is right from this, that as it is full 'dire'-fine that is *due* from *the owner of* the set-spear in a green for *injury to* a person, it is the fourth of 'dire'-fine that should be *due* from it between a green and a wild-place for *injury to* a person.

Whence is it derived that the third of 'dire'-fine is *due* from *the owner of* the set-spear *when* between a green and a wild-place for *injury to* a cow? It is derived from *the rule respecting* the unlawful pitfall within the green; for *it is* two cows of 'dire'-fine and one cow of compensation that are *due* on account of it *when* within the green. The third of that is the cow of compensation that is *due* on account of it *when* between a green and a wild-place for *injury to* a cow; it is right therefore, that as full *fine* is *due* from *the owner of* the set-spear in a green for *injury to* a cow, it is a third *of it* that should be *due* from *the owner of* it (*the set-spear*) *when* between a green and a wild-place for *injury to* a cow.

Whence are derived the two-thirds of 'dire'-fine that are *due* from *the owner of* the set-spear *when* between a green and a wild-place for *injury to* a horse? They are derived from

etechta ṫall a faiċi, uair capall aithgina ocus capall diabla ata uaiṫi tall i faiċi im eċ; a da trian sin in capall aithgina ata uaiṫi itir faiṫi ocus dirainn im eċ; coir no deiride, uair lan diri ata on bir airnil i faiċi im eċ, cema dá trian diri do beiṫ uad itir faiṫi ocus dirainn im each.

Mara duine aile ro ċuirirtar in duine dindell a airnil, aċt mar e in tinad a dubairt fer bunaid ris a indell ro indillsum he, no inad is comdligteċ ris, is a comic doib ineich dlegar ann.

Mara dligṫeċu in tinad ar indillsum iná in tinad a dubrad ris, in cutruma scuiris a dligeḋ dosum de curub de fein scuires.

Ma ruc in fiad leis in cep no in cuiċi ar a inad, is lan
C. 1643. fo aicneḋ in inaid in ro milled [in cuiṫi] dic ind; no, cumad lan fo aicneḋ in inaid in ro foglaḋ.

Da ċuiċi cuċairi aiṫfeġṫar; cuchairi teċta ocus cuchairi etechta.

In cuċaire ṫeċta; ni ṫic ċuici aċt in fiad gairmeas,
C. 1642. ocus tic sin on traṫ co raile. Mar isin [cuiṫi] cuchairi
C. 1642. teċta ro foglad [risin oss], is inann ocus do neṫ in mil cét cintaċ im, aithgin. No dono cena, co scuiread meraċt a cuchaire leṫ de, amail scuires meraċt a herma leṫ don eċ, ocus codnaċ do ni a tarcud mar aen.

C. 1642. In cuiṫig [cuċaire] eteċta; is cutruma ṫic ċuici in fiad gairmes ocus in fiad na gairmenn.

Mar ac tiaċtain ar amus na cuithe teċta ro fogail in fiad, is inann ocus ro foglaḋ indti.

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[1] *In which it was damaged.* This seems to mean, the place in which the trap was placed when it was damaged, i.e. broken or removed by the deer.

the rule respecting the pitfall of the unlawful hunter within the green, for it is a horse of restitution and a horse of double that are *paid* by *the owner of* it *when* within the green for *injury to* a steed; the two-thirds of these is the horse of restitution that is *due* from *the owner of* it *when* between a green and a wild-place, for *injury to* a steed; hence it is right, that as there is full 'dire'-fine from the owner of the set-spear in a green for *injury to* a steed, two-thirds of 'dire'-fine should be paid by *the owner of* it when between a green and a wild-place, for *injury to* a steed.

If it was another person the man sent to set his trap, and if he set it in the place where the owner desired him to set it, or in an equally lawful place, they (*the owner and setter*) shall pay equally what is incurred on account of it.

If the place where he set *the trap* is more lawful than the place where he was told *to set it*, the portion *of fine* which its *more* lawful position[a] takes off him is taken off himself *only*.

If the deer has carried off the stock or the trap out of its place, full *fine* is to be paid for it according to the nature of the place in which the trap was injured; or, *according to others*, it may be full *fine* according to the nature of the place in which it was damaged.[1]

Two traps of hunters are taken into consideration; *those of* the lawful hunter, and *of* the unlawful hunter.

As to the lawful hunter; there comes not to him but the deer which he rouses, and it comes from one time to another. If it was in the pitfall of the lawful hunter the injury was done by the deer, it is the same as if an animal of first trespass did it, as regards compensation. Or indeed, *according to others*, the excitement of being hunted takes half off it, just as the excitement of its being ridden takes half off the horse, when[b] it is a sensible adult that excites both.

As to the pitfall of the unlawful hunter; the deer which he rouses and the deer which he does not rouse come equally to him.

If it is in coming towards the lawful pitfall the deer has done the injury, it is the same as if he had done the injury in it (*the pitfall*).

[a] Ir. *Law*.

[b] Ir. *And*.

Mas ac tiaċtain ar amus na cuiṫi eteċta, isaer fer na cuithe ar a cintaib, no co raib na cuithe; ocus o bias, is lan fo aicned na cuiṫe dic and.

C. 1643. In duine tainic do gait in fiaḋa ar in cuiṫig, islan dfir na cuithe cia foglaḋ in [fiad no in] cuitec ris; ocus diablaḋ feola indraici, ocus eneclann dic do re fer na cuithe.

C. 1643. Mas ar tafann ro foglaḋ [in fiad] aċt ma tar[t]us he, is inand ocus do neiċ mil leṫ cintach ar ingilt, im leṫ dic, ocus meraċt a tafaind scuires leṫ de. Mana tarus itir, islan can ni dic and.

Andsum dire treibdire.

.1. aen eneclann dec aithfegtar ann; eneclann dfir in tiġe, ocus eneclann dfir in tseoit, ocus eneclann dfir na lepṫa, ocus eneclann don ti dar eisced in lepaḋ, ocus eneclann do caċ taiseċ do na seċt taiseċaib dam is uaisli ṫainic ar damrad ar amus in tiġi; ocus in naenmad rann fichit do caċ eneclainn dib dfir in tiġi, cenmoṫa fer in tseoit, ocus fear in seoit ocus fer na lepṫa; ocus lepaḋ diles uil aici ann, uair mun bud eḋ do biad ní uad. Ocus is as gabair; in naenmad rann fichit caċ eneclainni dib dfir in tiġe. Bert de sét gabla ar muin diri do caċ tuiltreb, .1. breithemnaigter sét do gablugaḋ for muin a eneclainni don ti ris in toltanaċ biṫ ina treb; in sin in aenmaḋ rann fichit eneclainni o caċ fir dibsum dfir in tiġi, cenmoṫa fer in tseoit. Is as gabair a beiṫ co morfeisear ina turorgain endac enge, [.1.] assen eneclann caċa prim-

Sic.

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[1] *A beast of half trespass.*—C. 1643 has "a beast of first trespass."

[2] *And that of the owner of the 'sed.'*—C. 1644 reads here, "uair maḋ eisiḋe is lor do a set do ġait uaḋ cin co raib ni uaḋ; for if it be he, it is enough for him that his 'sed' has been stolen from him, without anything being *paid* by him."

[3] *And that of the owner of the 'sed.'*—The Irish for this phrase in the MS. must have been repeated by a mistake of some copyist. It contradicts line 25 of page 460, and seems to have no meaning.

[4] *A blameless theft.*—That is, it would appear a theft for which the owner of the house was not in any way to blame.

If it is in coming towards the unlawful pitfall *he did the injury*, the owner of the pitfall is exempt from *liability for* its trespasses, until it is in his pitfall; and when it is, full *fine* according to the nature of the pitfall shall be paid for it.

As to the person who came to steal the deer out of the pitfall, the owner of the pitfall is exempt *from liability*, though the deer or the pitfall should injure him; and double the worth of the flesh, and honor-price, are to be paid by him to the owner of the pitfall.

If it is while being chased the deer did the injury, and if it be caught, it is the same as if a beast of half trespass[1] while grazing had done it, as regards paying half *fine*, and the excitement of its being chased takes half off it. If it be not caught at all, there is exemption from paying anything for it.

The 'dire'-fine for *stealing from* a house is a difficult 'dire'-fine.

That is, eleven honor-prices are considered in it, *viz.*, honor-price to the owner of the house, and honor-price to the owner of the 'sed', and honor-price to the owner of the bed, and honor-price to the person to whom the bed was given, and honor-price to each chief of the seven noblest chiefs of companies who came on a visit to the house; and the one and twentieth part of each honor-price of them *is due* to the owner of the house, except *he be* the owner of the 'sed,'[2] and *that of* the owner of the 'sed,'[3] and *that of* the owner of the bed; and it is his own bed that he has in this case, for if it were not there would be part[a] *of the honor-price due* from him. And hence is derived; "the one-and-twentieth part of each honor-price of them *is due* to the owner of the house." There is taken from him (*the thief*) a 'sed gabhla'-heifer in addition to 'dire'-fine for each person willing to remain in his (*the owner's*) house, i.e. there is adjudged to the person who is willing to remain[b] with him in his house, a 'sed-gabhla-heifer,' along with his honor-price; *and* this is the one-and-twentieth part of his honor-price from each man of them to the owner of the house, except the owner of the 'sed.' Its being *extended* to seven persons is inferred from its being a blamless theft,[4] i.e., the honor-price of each chief person that is in the ban-

[a] Ir. *A thing.*

[b] Ir. *To be.*

persan ar a midcuaird co ruici morfeiser; ocus ma tait ní is lia na sin do tairečaib dam ar in damrud, is tiačtain doib fon rečt neneclainne, ocus raindit etarru fo
C. 1644. comairdi no fo leit̆ airdi. [Ocus] in cutruma daim na fuil; don ro soich do cach duine dib son, a leč do budein, ocus a leč da daim; ocus do neoč na fuil da daim ina farrad, is eisium beris a cuitig, daiǧ is e ro icfad a cuitig trebdire.

No dono, cona beit̆ act̆ do triur; ocus is ar gabur sin
C. 1645. .i. min or mind do greǧa, [cuirter co teora rara rubaill bi] 7rt.

Cid fodera co fuil in aenmaď rann fichit da eneclainn o cač fir dib son dfir in tiǧi cenmot̆a fer in treoit? .i. a
C. 1645. dualgus fir in tiǧi ata ní doibsium; [ocus] is ed fodera in aenmad rann fichit da eneclainn o cač fir dib dfir in tiǧi; ocus nocon a dualgus fir in tiǧi ata ní dḟir in treoit, act̆mad a dualgus a seoit budein; ocus ised fodera can ní uad dfir in tigi.

C. 1645. Ocus lepaid sin ro eisced do cliamain, no du t[s]uatruč, no do duine airit̆i; ocus mun bud eď, noco biad ní and act̆má do dis .i. dfir in tigi, ocus dfir na lepṫa, no dfir in treoit.

Ni bi caiṫeċ nach cuitech.

.i. in set coitcenn soraindi; slan don duine a cuit fein do cait̆em de, cid re deitbirius cid re indeit̆birius, čia ro bi in fer aile i baile i roised im cocar cen co raibi; act̆ aithgin ineich is esbadač tre na roind a hic ḋo ris in fer aile. Act̆ na cait̆ea cuitig in fir aili, ocus da cait̆ea, is

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[1] *If thy horses are removed from the hill of meeting, &c.*—This is Dr. O'Donovan's revised translation of this very obscure phrase.—*Vide* "Senchus Mor," vol. i., p. 165.

[2] *Or of the owner of the 'sed.'*—C. 1645 has some more paragraphs relating to this subject, which appear to be misplaced. They are rather fragmentary, and from defects in the MS. are very obscure.

quet-house until it reaches seven persons shall be paid; and if there are more than this *number* of chiefs of companies at the banquet, they come under the seventh of honor-price, and they divide it between them equally or unequally. And *as to* the part that is for the company; of that which comes to each of them, the half is for himself, and the half for his company; and as to the person who has no company with him, it is he that shall have their share, for it is he that would pay their share of the house 'dire'-fine.

Or indeed, *according to some* it is *extended* only to three persons; and this is inferred from; "If thy horses are removed from the hill of meeting,[1] it is put to the three best chiefs of the pavilion," &c.

What is the reason that the one-and-twentieth part of his honor-price is *due* to the owner of the house from each man of these except the owner of the *stolen* 'sed'? That is, it is in right of the owner of the house that anything is *due* to them; and this is the reason that the one-and-twentieth part of his honor-price is *due* from each man of them to the owner of the house; but it is not in right of the owner of the house that anything is *due* to the owner of the *stolen* 'sed', but in right of his own 'sed'; and this is the reason why nothing is *due* from him to the owner of the house.

And that bed *above referred to* was given to a son-in-law, or to a soldier, or to a particular person; and if it were not, there would be nothing *due* for it except to two persons, viz., to the owner of the house, and to the owner of the bed, or, *according to others,* to the owner of the 'sed'.[2]

No one should be a spender who is not a sharer.

That is, *as to* the common easily divisible 'sed;' a person is exempt in spending his own share of it, whether with necessity or without necessity, whether the joint-owner[a] was at a place where he could have come to him to consult him or whether he was not; but the compensation for whatever is deficient in consequence of dividing it is to be paid by him to the joint-owner.[a] He must not, however, spend the share of the joint-owner,[a] and should he spend it, it is to

[a] Ir. *The other man.*

a aisiuc uad co lan fiaċaib gaiti, aċt mun bu duine dligius eireċ do gabail da ċeile he; ocus mas ed, islan do a beiṫ aici re re in eirig.

In set coitcenn doraindi; islan don duine a ċuit fein do caiṫem de re deiṫbiriur, ocus ni raibi in fer aile i bail i C. 1648. roised im cocar; [no cé ro boí, ocus ro fiarfaid de, is slan do]; aċt aithgin ineiċ is esbadaċ de tria na roind dic do risin fer aile, cen fiaċ gaite.

Mas re indeiṫbiriur ro caiṫiustar he imurro, ce ro bi in fer aile i bail i roissed im cocar cen co roibi, no cid re deiṫbiriur, ma ro bi in fer aile i bail i roissed im cocar, ocus ni dernad, is aithgin ineiċ is esbadaċ de tri na roind dic do, co lan fiaċaib gaiti risin fer aile. Ocus nir caiṫ cuitig in fir [aile] ann sin; ocus ma ro caiṫ, is a aisiuc uad co lan fiaċaib gaiti.

Is ed iset coitcenn soraindi ann, deide do beodilib no do marbdilib, no aen marb naċ meisti log a roind.

Is ed iset coitcenn doraindi ann, aen beodil no aen marbdil is meisti log a roind.

Indeircech caċ morcuiteċ.

.i. mas ac compersain do rala im in set, aċt ma ta dib neċ is mo cuit na ceile, is ind eiric uad as.

Mara cutruma a cuit and, is crandċur do cur etarru, no is roind ar do.

Mara cenn ocus memar ata im in set, aċt mara mo cuit in cind, no ma cutruma re cuit in memair, is an eiric uad

be paid by him with full fines for theft, unless he is a person who is entitled to take a forced exaction from his tenant; and if he is, he is exempt in having it during the time of the forced exaction.

As to the common not easily divisible 'sed;' a person is exempt in disposing of his own share of it, in case of necessity, when the joint-owner[a] was not at a place where he could have consulted him; or though he was, and was consulted, he (*the spender*) is safe; but he must make compensation to the joint-owner[a] for whatever is deficient in consequence of the sharing of it, without fine for theft.

If, however, it was without necessity he spent it, whether the joint owner[a] was at a place where he could have consulted him, or whether he was not, or though *he did so* of necessity, if the joint-owner[a] was at a place where he could have consulted him, and if he did not *consult him,* he shall make good to the joint-owner[a] whatever is deficient in consequence of the dividing of it, with full fines for theft. And he did not spend the share of the other man in that case; and if he spent *it,* it should be repaid by him, with full fine for theft.

A common easily divisible 'sed' means, two live chattels or dead chattels, or one dead *chattel* the value of which is not lessened by its being divided.

A common chattel not easily divisible means, one live chattel, or one dead chattel the value of which would be lessened by its being divided.

Everyone who has the great share pays the 'eric'-fine.

That is, if two persons of equal rank are concerned about the 'sed,' and if there be one of them who has a larger share *of it* than the other, he pays the 'eric'-fine for it.

If their shares in it be equal, lots are to be cast between them, or it is to be divided in two.

If it be a chief and a member *of a tribe* that are *concerned* about the 'sed', and if the share of the chief is greater than or equal to the share of the member, the 'eric'-fine is

[a] Ir. *The other man.*

can crandcur. Mara mo cuit in memair, is crandcur etarru.

Ca deiṫbir etarru sin ocus in bail ata: in ti dia mbi caime in cethra, is é ineren ní as dia raile. Itir lanamain ata in set and sin, ocus ar comluga lanamnais etarru ind ti dib dana teirci in cenel indile sin in eiric uad as cen crandċur. Sunn imurro itir cenn ocus memar ata in set and; ocus dforuaisli ata don ċind, cemad mo cuit in memair isin set na cuit in cind, is crandcur etarru. No mara cutruma a cuit mar aen, in eric on ċind as can crandċur.

Ogdiles caċ nanreċtaid.

.1. slán in gataide do marbad can slaindiud can aiṫne, can caemaċtu astaiḋe in uair denma na fogla; ocus slan caċ duine marbṫair in a riċt. C. 1649. [Ma ta caomaċtain fastaiġṫi, is go trian nurana is slan e budein, ocus lan fiaċ isin ti ro marbad in a riċt.] Indeiteam astaiti rucad ċuici ann sin; no mara indeiṫeam marbṫa rucad ċuici, ma ro bi caemaċtu astaiṫe cen co roibi, is co trian islan he bodein, ocus lan fiaċ no leṫ faiċ isin ti ro marbad in a riċt.

In uair denma na fogla sin; ocus ma seċtar uair denma na foġla, cid run marbṫa cid run astaiṫi, is co trian nurana islan he bodein, ocus leṫ fiaċ isin ti ro marbaḋ in a riċt. In uair denma na fogla sin; ocus ma seċtar uair denma na foġla, aċt ma tasar gait in a laim̃, is amuil gataidi he in uair denma na fogla, ro aicned in indeitim rucad cuici, cid indeiṫem marbṫa cid indeiṫem astaiṫi.

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[1] *Lots are to be cast between them.*—O'D. 2003 and C. 1654 add two paragraphs here, which appear to be out of place.

[2] *On account of every person killed in his guise.* The Irish words translated "in his guise," do not imply a third party supposed to have been the thief, but the thief himself not taken in the fact but believed by the slayer to have committed the theft.

to be paid by him without casting lots. If the share of the member be greater, lots are to be cast between them.[1]

What is the difference between these cases, and where it is *said;* "the person who has fewest cattle is he who pays out of it to the other"? The 'sed' is between a related pair in that case, and it is to equalize the connexion between them that the person who has fewest of this species of cattle pays 'eric'-fine for them without casting lots. Here, however, the 'sed' is between a chief and a member; and it is on account of the rank of the chief, that, although the member's share in the 'sed' is greater than that of the chief, lots are to be cast between them. Or if the share of both be equal, the 'eric'-fine is *due* from the chief without casting lots.

The life of every law-breaker is fully forfeited.

That is, it is lawful to kill the thief without name, who is not known,[a] when there is no power of arresting him at the time of committing the trespass; and he (*the slayer*) is exempt *on account of* every person killed in his guise.[2] If there is power to arrest him, he is exempt as far as one-third of the excess on *account of the man* himself, and there is full fine on account of the person killed in his guise. It was his (*the slayer's*) intention to have arrested him[b] in that case; or if it had been his intention to kill him, whether he were able to arrest him or not, he is exempt as far as one-third *on account of the man* himself, but *he pays* full fine or half fine on account of the person killed in his guise.

This was at the time of committing the trespass; but if it were at a time different from that of committing the trespass, whether he intended to kill him or to arrest him, he is exempt as far as one-third of the excess *on account of the man* himself, but *there is* half fine *due* on account of the person who was killed in his guise. This was at the time of committing the trespass; and if it were at a time different from that of committing the trespass, and if the stolen property[c] was found in his possession,[d] he is *considered* as a thief at the time of committing the trespass, *and the fine shall be* according to the intention that was brought to him, whether intention of killing or intention of arresting.

[a] Ir. *Without knowing.*

[b] Ir. *An intention of arresting him was brought to him.*

[c] Ir. *Theft.*

[d] Ir. *Hand.*

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Mara rec̃tar uair denma na fog̃la, ocus ní taras gait in a laim, cid run marbtha cid run artaig̃i rucad c̃uici, is co trian islan he, ocus lan fiac̃ isin ti ro marbad̃ na ric̃t.

Ma tarus gait in a laim, is comardugad̃ itir diri na gaiti tarus in a laim̃ ocus in da trian coirrdiri uil ind; ocus cid be dib ac a mbe imarcraid icad re c̃eile.

Muna tarus gait in a laim, is comardugad̃ itir fiac̃ maigne no imraid[ne] na gaiti ocus in da trian coirrdiri; ocus cid be dib ac a mbe in imarcraid icad re c̃eile.

Ma tarus anim and budéin, a imdenum do in gait ris a tainic, ocus comardugad̃ itir fiac̃ maigne no imraid[ne] na gaiti ris i tánic, ocus in da trian coirrdiri uil indsium; ocus cid be dib ac a mbe in imarcraid icad re c̃eile.

Mana tarus anum and budein, act ma ta fer comgnima aici, a imdenum do in gait ris i tainic; ocus comardugad̃ itir fiach maigne no imraid[ne] na gaiti ris i tainic, ocus in da trian coirrdire uil ann; ocus cid be dib ac a mbe in imarcraid icad re cheile.

C. 1650. Mana uil fer comgnima aici itir, [ocus ni tarrus ainim and budein], crandcur do cur etarru co fesstar in gait
C. 1650. ris i tanic; ocus [o ro fesstar], comardugad̃ itir fiac̃
C. 1650. maigne no imraid[ne] na gaiti do roc̃air air, ocus in da trian coirrdire uil indsium; ocus cid be dib aca mbe in imarcraid icaid re c̃eile.

Ma se frecra in gataide co na rac̃ad is in baile a raibe,

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[1] *Has the excess.* That is, has incurred the greater fines.

[2] *From.* For 'is' of the text, C. 1650, reads 'sech,' beyond.

If it were at a time different from that of committing the trespass, and *if* the stolen property[a] was not found in his possession,[b] whether he intended to kill him or to arrest him, it is as far as one-third he is exempt, but the full fine *is payable* for the person killed in his guise.

If the stolen property[a] has been found in his possession,[b] there is a balance to be struck between the 'dire'-fine for the stolen property[a] which was found in his possession[b] and the two-thirds of body-fine which is *due* for it (*the injury to the thief*); and whichever of them has the excess[1] pays *the difference* to the other.

If the stolen property[a] has not been found in his possession,[b] there is a balance to be struck between the fine for precinct or the intention of stealing, and the two-thirds of body-fine; and whichever of them has the excess pays *the difference* to the other.

If he has himself been found still alive, he shall prove the *particular* theft for which he came, and a balance shall be struck between the fine for precinct or the intention of the theft for which he came, and the two-thirds of body-fine which is *payable* to him; and whichever of them has the excess pays *the difference* to the other.

If he has not been himself found alive, but if he has an accomplice, he (*the latter*) is to prove the *particular* theft for which he had come; and a balance shall be struck between the fine for precinct or the intention of the theft for which he came, and the two-thirds of body-fine which is *payable* for it; and whichever of them has the excess pays *the difference* to the other.

If he has not an accomplice, and was not himself found alive, lots shall be cast between them that the theft for which he had come may be known; and when it is known, a balance shall be struck between the fine for precinct or the intention of the theft which has fallen on him *by lot*, and the two-thirds of the body-fine which is *due* to him; and whichever of them has the excess pays *the difference* to the other.

If it be the answer of the thief that he would not have gone from[2] the place where he was, he has to prove that he

[a] Ir. *Theft.*

[b] Ir. *Hand.*

is a imdenum do co na raċad as in baile i roibi, ocus da trian coirpdiri dic ind.

Mas e a ḟrecra co na raċad seoċ in claḋ no seoċ in corad is nesa do, a imdenum don ti robi ina deġaid co na roibe caemaċta astaiṫi aici; ocus slan can ní ind, uair acht eitgid do roine.

Is do islán in gataiḋe do marbad, don duine for a tanic do gait, no dliges eiric isin ngait.

Más e in duine for na tanic do gait, no na dligid eiric isin ngait, is lan coirpdire in a marbaḋ, ce beiṫ caemaċtu astaiṫi cen co be. No, cumad tslan do caċ duine a marbad,
O'D. 2001. itir duine for a tainic [do gait], ocus duine for na tainic.

Is and islan duine do marbad a riċt in gataide, in tan atces he ac gait na set, no friṫ a sliċt na haidirbe dar a eise.

Muna facas he a gait na set, no mana friṫ sliċt na aidirbe dar a eisi, is lan coirpdiri in a marbad, ce beiṫ caemaċtu a astaiṫi cen co roibi.

In duine tainic dresṫain cneidi for corp, slan a marbad cen aiṫne cen tsloindi, cen caemaċtu astaiṫi in uair denma na fogla, ocus slan caċ aen marbtar in a riċt. Ma ta caemaċtu astaiṫi, is co trian islan he budein, ocus leṫ fiaċ isin ti ro marbaḋ. Indeiṫem astaiṫi rucad ċuici and sin, ocus mara indeiṫem marbṫa, ce be cen co be caemaċtu astaiṫi, is co trian islan he budein, ocus leṫ fiaċ isin ti ro marbad in a riċt.

In uair denma na fogla sin; ocus mad seċtair uair

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[1] *For it was but 'eitgid'-trespass he committed.* For the Irish of this, C. 1651, reads "is ac teithe ro bui, it was running away he was."

would not have gone from the place in which he was, and *if he does so,* two-thirds of body-fine are to be paid for it (*the charge*).

If it be his answer that he would not have gone beyond the fence or beyond the stone wall nearest to him, it is to be proved by the person who was pursuing[a] him that he had not the power of arresting him; and *he is* free from *paying* anything for him, because *it was* but "eitgid"-trespass he committed.[1]

The person who is exempt *from liability* for killing the thief is he from whom he came to thieve, or who is entitled to 'eric'-fine for the theft.

If he (*the slayer*) be the person to whom he did not come to thieve, or to whom 'eric'-fine is not due for the theft, full body-fine is *due from him* for killing him, whether there was or was not power to arrest him. Or, *according to others,* it may be lawful for any person to kill him, whether the person to whom he came to thieve, or the person to whom he did not come *to thieve.*

It is then there is exemption for killing a person in the guise of the thief, when he is seen stealing the 'seds', or when the track of the particular thing *stolen* was found after him.

If he was not seen stealing the 'seds', or if the track of the particular thing *stolen* was not found after him, there shall be *paid* full body-fine for killing him, whether there was or was not power to arrest him.

The person who came to inflict a wound upon the body may be safely killed when unknown and without a name, *and* when there was not power to arrest him at the time of committing the trespass, and there is exemption for everyone killed in his guise. If there be power to arrest him, there is exemption *to the slayer* as far as one-third for himself (*the man slain*), and there is half fine *due* for the person who was killed *in his guise.* An intention of arresting him was brought to him in that case, but if it had been an intention of killing *him,* whether there was power to arrest or not, he (*the slayer*) is exempt as far as one-third *for the man* himself, but half fine *is due* for the person killed in his guise.

This was at the time of committing the trespass; but if

[a] Ir. *After.*

THE BOOK OF AICILL. denma na fogla, cid run astaiṫi cid run marbṫa rucad da saigid, is co trian islan he bodein, ocus leṫ fiaċ isin ti ro marbad in a richt.

Cid fodera co na fuil aċt leṫ fiaċ isin ti ro marbaḋ a
O'D. 2002. riċt in [duine] tainic dferṫain cneiḋi for corp, ocus co fuil lan fiaċ isin ti ro marbaḋ a riċt in gataiḋi?
O'D. 2002. Is e faṫ fodera; [dliġṫecu] ocus ruidilsi lais in nugdar, ocus mo is imraiċne deiṫbire leis duine do marbad i riċt in ti tainic dferṫain cneidi for corp, ina duine do marbaḋ i riċt inti tainic do gait na set.

Cid fodera co fuil da trian coirpdire isin ti tainic dferṫain cneidi for corp, ocus co na fuil aċt leṫ fiaċ isin ti ro marbaḋ in a riċt? Is e faṫ fodera; friṫaiġiḋ i leiṫ risin cet fer, ocus imraiċne i leṫ risin fer ndeidenaċ; ocus is e aicneḋ na friṫaige beiṫ a triun, ocus is é aicneḋ na imraiċne biṫ a leṫ.

Segar sliċt othrusa urgnaiter.

Cid tria comraiti cid tria anfot, cid tria essa cid tria indeiṫbire to[r]ba ferfaiter na cneda, is e airet reiṫes smaċt meṫa co ruici lan coirpdiri na cneidi comraiti cona ferṫain tria rordaċ; uair is comraiti in follugad.

Durraḋ ata smaċt meṫa co comlan, ocus a leṫ do deoraiḋ, ocus a cethruimṫi do murċairṫi; ocus noco nuil smaċt meṫa do daer, ocus noco nuil uad aċt manab daer ac a ta in cuic raiṫ cetach he; ocus mas ed, is a beiṫ amuil in luaṫ murċairṫi im cethruimṫi do, ocus im cethruimthi uad.

Dinnraic do ni maiṫ da ṫoṫċus ata smaċt in meṫa

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[1] *Is to be one-half.* That is, when the person assailed returns the blow, only one-third of 'eric' fine is due for killing him; a man who kills another in a mistake pays only half 'eric'-fine.

[2] *The consequence of sick maintenance is sued and provided.* There is a good deal more of matter which seems to relate to the subject of this article in C. 1655, *et seq.*, and C. 1800, *et seq.*, also in O'D. 2003, *et seq.*, but the passages have not

it were at a time different from that of committing the trespass, whether there was brought to him an intention of arresting him or of killing him, he is exempt as far as one-third *on account of the man* himself, but half fine *is due* for the person killed in his guise.

What is the reason that there is but half fine for the person who was killed in the guise of the person who had come to inflict a wound upon the body, and that there is full fine for the person killed in the thief's guise? The reason is; it was deemed by the author *of the law* a more lawful and justifiable and a more pardonable offence[a] to kill a person in the guise of one who came to inflict a wound upon the body, than to kill a person in the guise of one who came to steal the 'seds'.

[a] Ir. *A mistake of necessity.*

What is the reason that there are two-thirds of body-fine for the person who came to inflict a wound upon the body and that there is but half fine for the person who was killed in his guise? The reason is; *there was* retaliation as regards the former man, and mistake as regards the latter man; and the nature of the retaliation is to be one-third, and the nature of the mistake is to be one-half.[1]

The consequence of sick maintenance is sued *and* provided,[2] &c.

Whether it is intentionally or through inadvertence, whether through idleness or for unnecessary profit the wounds are inflicted, the 'smacht'-fine for failure *of providing sick maintenance* extends to full body-fine for the intentional wound when inflicted in anger; for the negligence is intention.

To a native freeman the 'smacht'-fine for failure is *due* in full, and the half of it to a stranger, and the fourth of it to a foreigner; but there is no 'smacht'-fine for failure *due* to a 'daer'-person, neither is it *due* from him unless he be a 'daer'-person who possesses five raths of hundreds; and if he be, he is to be as the nimble foreigner as regards one-fourth *due* to him, and as regards one-fourth *due* from him.

It is to a worthy person who does good with his property that the 'smacht'-fine for failure is *due,* and *also* to an

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been translated. They appear also to belong to a different "recension," and could not well be interpolated here.

ocus deisinnraic do ní mait̃ da tot̃c̃us ; ocus noco nuil ni dindraic na deisindraic na denann mait̃ da tot̃c̃us ; ocus noco nuil log̃ othrusa ac̃t in log othrusa is lug̃a bogabar i libar .i. in cumal, ocus a cethruimt̃i uat̃aib do liaig̃ ; na teora cethruimt̃i aile, dena sec̃t ranna di ; ceit̃ri ranna díb dfir mama mod a aenar, da raind do biud, ocus rann dfir oca tocaib, amail ata o gradaib feine.

C. 1656. [Ina croligi bais ata in cumal sin, ocus a da trian in a croligi cumaile, a trian in a inindraig ui seot ; ocus cutrumus seisid ind ocus sec̃tmad̃ co na tabairt sir dimforcraid isin inindraig sec̃t seoit sech in inindraig se seoit.]

A met̃ treda in croli bais, bo mor cac̃ naidc̃i co cenn nae naid̃c̃e. A met̃ deda, da ba mora cac̃a treisi co cenn teora naidc̃e dec co let̃ aidc̃e. A met̃ nain, bo mor cac̃a treisi co cenn sec̃t naidc̃i fic̃it.

A met̃ treda in croli cumaile, bo mor cac̃ naid̃c̃i co cenn se naidc̃i ; a met̃ deda, da ba mora cac̃a treisi co cenn nae nait̃i. A met̃ nain, bo mor cac̃a treisi co cenn oc̃t naidci ndec.

A met̃ treda inn inindraig̃ se set, bo mor cac̃ naidc̃i co cenn tri naidc̃i ; a met̃ deda, da ba mora cac̃a treisi co cenn ceit̃ri nad̃c̃i co let̃ aidc̃i ; a met̃ nain, bo mor cac̃a treisi co cenn nae naidc̃i.

A met̃ treda i ninindraig sec̃t set, bo mor cac̃ naidc̃i co cenn tri naidc̃i co let̃ ; a met̃ deda, da ba mora cac̃a treisi co cenn cuic naidc̃i co cethruimt̃i aidc̃i ; a met̃ nain, bo mor caca treisi co cenn nae naid̃c̃i co let̃.

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[1] *The man who acts as his nurse-tender.*—That is, the man who is employed to lift him up and lay him down.

[2] *This 'cumhal' is for a death-maim.*—Some remarks as to the differences between the wounds and maims here referred to may be found in C. 304 (H. 3–18, p. 167).

unworthy person who does good with his property; but there is nothing *due* to the worthy or to the unworthy person who does not do good with his property; and there is no allowance for sick maintenance *made to them* except the smallest sick maintenance which is found in a book, viz., the 'cumhal,' and one-fourth of it *is paid* by them to the physician; *as to* the other three-fourths, make of them[a] seven parts; four parts thereof *are given* to the man who supplies his place, two parts *are* for food, and one *goes* to the man who acts as his nurse-tender,[1] as it is from the Feini grades.

[a] Ir. *Of it.*

This 'cumhal' is for his death-maim,[2] and two-thirds of it are for his 'cumhal'-maim, a third of it for a tent-wound of six 'seds'; and a proportion of a sixth or a seventh is to be given for the tent-wound of seven 'seds' more than for the tent-wound of six 'seds'.

For the failure of three things *in case* of a death-maim, *the penalty is* a great cow every night to the end of nine nights. For the failure of two things, *it is* two great cows every third *night* to the end of thirteen nights and a half. For the failure of one thing, *it is* a great cow every third *night* to the end of seven and twenty nights.

For the failure of three things *in case* of a 'cumhal'-maim, *the penalty is* a great cow every night to the end of six nights; for the failure of two things, *it is* two large cows every third *night* to the end of nineteen nights. For the failure of one thing, *it is* a large cow every third *night* to the end of eighteen nights.

For the failure of three things in *the case of* a tent-wound of six 'seds', *the penalty is* a great cow every night to the end of three nights; for the failure of two things, *it is* two great cows every third *night* to the end of four nights and a half night; for the failure of one thing, *it is* a great cow every third *night* to the end of nine nights.

For the failure of three things in *the case of* a tent-wound of seven 'seds', *the penalty is* a great cow every night till the end of three nights and a half; for the failure of two things, *it is* two great cows every third *night* to the end of five nights and a fourth of a night; for the failure of one thing, *it is* a great cow every third *night* to the end of nine nights and a half.

C. 1658

Smac̃t met̃a ro anuas; ocus log na tincisin ro sis: da sec̃t cumal crolighi cac̃ rig, ocus cac̃ espuic, [ocus cach suad̃, ocus cach ollaman, ocus cach aircindig̃, ocus in airech forgaill is ferr] co na comgradaib.

C. 1658.

Sec̃t cumala co let̃ croli cac̃ airech aird ocus caich bes airdiu, in taire foirgill medonac̃, no in taire foirgill is taire; ceit̃ri cumala [crolig̃e] cac airec̃ desa ocus tuisi; teora cumala crolig̃i cac̃ boairec̃ ocus cac̃ ocairec̃; da cumail croli cac̃ fir midbad̃; cumal croli cac̃ flescaid ocus cac̃ mog̃a dair.

Log a mbid ocus a lega sin, ocus a fir mama mod, ocus a fir ocaib tocaib i tincisin.

In da sec̃t cumala adubrumar o cianaib, ben se ba dib inosa ar dic̃ell leg̃a no ar accobair raindi; ocus noco dic̃ell do liag i bail as na dligid̃ ní cen co beired ni as. Atait oc̃t mba dec fo do acud annsin; tabair oc̃t mba dec dib dfir mama mod a aenur; atait oc̃t mba déc aile acut andsein; tabair iat sein do liaig̃ ocus dfir ocaib tocaib, ocus do biú; conad ceit̃ri ba ocus samaisc cuit cec̃tair de, ocus nae mba do biud a aenur.

Na se ba ro benais as o cianaib ar dic̃ell leg̃a no ar acobair raindi, dena sec̃t ranna dib anosa, ceit̃ri ranna dfir mama mod, ocus da raind do biud, ocus rann dfir ocaib tocaib.

Cid fodera ceit̃ri sec̃tmaid dfir mama mod anosa, ocus na roibi ac̃t let̃ do o cianaib? Is e fat̃ fodera; liaig̃ acut im a comraind o cianaib, ocus ni uil anosa; ac̃t in ṫainmraindi i raibi i leit̃ sis o ċianaib is ed ata anosa, ocus in tain[m]raindi a roibi fer ocaib tocaib o ċianaib i ceth̃ruimt̃i is ed ata anosa.

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[1] *For concealment from the physician.* What was the nature of the concealment, or fraud attempted to be practised on the physician, it is impossible to define.

The above are the 'smacht'-fines for failure; and the following are the allowances for attendance:—twice seven 'cumhals' for the maim of every king, and every bishop, and every professor, and every chief poet, and every 'airchinnech'-person, and every best 'aire-forgill' chief, and for every one who is of the same grade with them.[a]

Seven 'cumhals' *are allowed* for the maim of every 'aire-ard'-chief and of everyone who is higher, *i.e.*, the middle 'aire-forgill'-chief, or the lower 'aire-forgill'-chief; four 'cumhals' for the maim of every 'aire-desa'-chief and '*aire*-tuise'-chief; three 'cumhals' for the maim of every 'bo-aire'-chief and every 'og-aire'-chief; two 'cumhals' for the maim of every 'fer-midbaidh'-person; a 'cumhal' for the maim of every 'flescach'-person and every 'daer'-workman.

These *are* the allowances for food and a physician, and for a substitute, and for a man to act as nurse-tender.

From the twice seven 'cumhals' which we mentioned a while ago, take now six cows for concealment from the physician[1] or for facility of division; (and it is no concealment from the physician, where he is entitled to nothing, that he should get nothing out of it). You have then twice eighteen cows: give eighteen cows of them to the substitute alone; you have then eighteen other cows *remaining*: divide these among[b] the physician, the nurse-tender, and the *procuring of* food; so that four cows and a 'samhaisc'-heifer is the share of each of them, and nine cows *are* for food alone.

Of the six cows which you deducted a while ago for concealment from the physician or for facility of division, make now seven divisions, four divisions for the substitute, and two divisions for food, and one division for the nurse-tender.

What is the reason *that* four sevenths *are due* to the substitute here, while he had but one-half in the former case?[c] The reason is; you had the physician in equal shares with him in the former case, and here he is not *so*; but the proportion which was *allowed* for him in the former case[c] is that which is *allowed* here, and the proportion which the nurse-tender had in the former case[c] in a fourth is that which he has here.

[a] Ir. *With their co-grades.*

[b] Ir. *Give these to.*

[c] Ir. *A while ago.*

Re coirpdiri tomaiter cuitiġ leġa o rigaib co na comgradaib, ocus do gradaib flaṫa, ocus do loġ oṫrusa ictar. Cid be dib is luġa, coirpdiri na cneidi na log othrusa, is ris tomaiter o gradaib feine, ocus do loġ in oṫrusa [ictar] Ro bud leṫ, ro bud trian, ro bud cethruimṫi.

Cuitiġ leġa eistib ro sis; ro bud leṫ o rigaib co na comgradaib, ro ba trian o gradaib flaṫa, ro bu ceṫruimṫi o gradaib feine.

Ceiṫri ba ocus saṁaisc cuitig lega a croliġi bais, o rigaib co na comgradaib; tri ba a croli cumaile, bo ocus samaisc a inannriġ se set, bo ocus oċt scripaill dec a inannraig seċt set.

Tri ba cuitig leġa a croliġi báis, o gradaib flaṫa; da ba a croli cumaile, bo a hinannraig se set, bo ocus dairt ceiṫri screpall a inannraig seċt sét.

Da ba ocus colpaċ se screpall cuitig leġa a croli bais, o boairechaib ocus o ocaireċaib; bo ocus samaisc a croligi cumaile, oċt scripaill dec a inannrig se set, screpall ar fichit a inandrig seċt set.

Bo ocus samaisc cuitig lega a croligi bais, o feraib midbaiḃ; bo a croli cumaile, da screpall dec a inannraig se set, ceiṫri scripaill dec a inannraig seċt set.

Oċt scripaill dec cuitig leġa a croliġi bais, o flescaċaib ocus o mogaib daera; ocus da screpall dec a croli cumaile, se scripaill a inannrig se set, seċt scripaill a inandrig seċt set.

Cid fodera smaċt meṫa treda and, ocus tincisin cetharda? Is e faṫ fodera; cid mor do setaib gataidter o

According to body-fine is calculated the physician's share from kings and their co-grades, and from the chieftain grades, and it is paid out of the allowance for sick maintenance. Whichever of them is smaller, the body-fine for the wound or the allowance for sick maintenance, it is thereby it is calculated what the 'Feini' grades pay,[a] and it is paid out of the allowance for sick maintenance. It may be one-half, it may be one-third, it may be one-fourth.

[a] Ir. *From the 'Feini' grades.*

The physician's share from these following; it is one-half from kings and their co-grades, it is one-third from chieftain grades, and it is one-fourth from 'Feini' grades.

Four cows and a 'samhaisc'-heifer is the share of the physician for a death-maim, from kings and their co-grades; three cows for a 'cumhal'-maim, a cow and a 'samhaisc'-heifer for a tent-wound of six 'seds,' a cow and eighteen 'screpalls' for a tent-wound of seven 'seds.'

Three cows is the share of the physician for a death-maim, from the chieftain grades; two cows for a 'cumhal'-maim, a cow for a tent-wound of six 'seds', a cow and a 'dairt'-heifer *of the value* of four 'screpalls' for a tent-wound of seven 'seds.'

Two cows and a 'colpach'-heifer *of the value* of six 'screpalls' is the physician's share for a death-maim, from 'bo-aire'-chiefs and 'ogaire'-chiefs; a cow and a 'samhaisc'-heifer for a 'cumhal'-maim, eighteen 'screpalls' for a tent-wound of six 'seds,' twenty-one 'screpalls' for a tent-wound of seven 'seds.'

A cow and a 'samhaisc'-heifer is the physician's share for a death-maim from 'fer-midbaidh'-persons; a cow for a 'cumhal'-maim, twelve 'screpalls' for a tent-wound of six 'seds,' fourteen 'screpalls' for a tent-wound of seven 'seds.'

Eighteen 'screpalls' is the physician's share for a death-wound from 'flescach'-persons and from 'daer'-workmen; and twelve 'screpalls' from a 'cumhal'-maim, six screpalls for a tent-wound of six 'seds', seven 'screpalls' for a tent-wound of seven 'seds.'

What is the reason that the 'smacht'-fine for failure is triple, and the attendance quadruple? The reason is; however great may be the *number of* 'seds' stolen from a

duine in aenaċt, noco nuil aċt lán diri ocus leṫ dire ocus trian diri a tri cet setaib dib, ocus cert aithgin caċa seoit o ṫa sin amaċ; ocus is amlaiḋ sin ata; cia beiṫ airnaile imda i tincisin, noco nuil smaċt meṫa aċt a tri ernailib dib.

Cid fodera fer mama mod do beṫ i leṫ re tincisin, ocus naċ mo na meṫ bid na leġa? Is e faṫ fodera; ce na gataigṫa da cleiṫi o duine i naenaċt, cleiṫi bec ocus cleiṫi mor, cemad mo re hic naithgina in cleiṫi mor, ni mo re ic smaċta na eneclainni ina in cleiṫi bec. Is amlaiḋ sin ata fer mama mod; cemad mo ina tincisin, noco mo in a meṫ ina meṫ bid no lega no fir oca tocaib.

Cach fiachaċ dogo.

.i. is lais in ti fiaċaigther ann a roġa do re fer ferṫana na cneiḋi, in e fear ocaib tocaib do bera, no in ne a log; ocus is é sin aen inad ata a roġa do.

C. 1664. [1]s boind do dingbail. Is boind ar na dingabar. Obaimsea mo dingbail, ar in fer amuiċ, .i. ar in fer for ar ferad in cned. Obaimsea cun na dingeba, ar in fer tall ro ferustar hi.

C. 1664. Direnaiter trian diri [.i.] éirniter [trian] neneclainni and ar in cet aidċi, ocus bo do smaċt.

Grad sin ro dliġ a breiṫ amaċ for folaċ nothrusa, ocus
C. 1809. anunn [go nuigi a ṫeċ] tarsus do a tincisin, ocus meisti do
a tairesin; bo do smaċt ann ar in cet aidċi, ocus trian
C. 1809. neneclainni; ocus in tainmraindi reiṫer [do smaċt meṫa]
dosum ar cach naidċi o sin amaċ, corob e in tainmraindi
sin reiṫer do da treinib na heneclainni.

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[1] *The person on whom he has inflicted the wound.*—For the reading in the text which appears to mean, "the person who inflicted the wound," Dr. O'Donovan conjectured, "fer for ar ferad in cned," as seemingly required by the sense.

[2] *I give you notice to keep off.* This part of the article is given somewhat differently in C. 1664, and C. 1809. It seems to consist of glossed fragments.

person at the same time, there is only full 'dire'-fine and half 'dire'-fine and one-third of 'dire'-fine *due* for the three first 'seds' of them, and just compensation for every 'sed' from that out; and it is the same *with respect to attendance;* though there are many divisions of attendance, there is no 'smacht'-fine for failure except in three divisions of them.

What is the reason that the substitute is *calculated* at one-half as to attendance, and *that* there is no more *due for failure as regards him* than for failure as regards food or a physician? The reason is; though two animals should be stolen from a person at the same time, a small animal and a large animal, though there is more to be paid as compensation for the large animal,[a] there is not more to be paid as 'smacht'-fine or honor-price than for the small animal. It is thus *it* is *as regards* the substitute; though more *is allowed* for his attendance, there is not more for failure as regards him[b] than for failure as regards the food or the physician or the nurse-tender.

[a] Ir. *Though the large animal be greater, as to paying compensation.*

[b] Ir. *His failure.*

Every defendant[c] *has* his choice.

[c] *Ir.* Debtor.

That is, the person who is sued in the case has his choice with respect to the person on whom he has inflicted the wound,[1] whether he will give him a nurse-tender, or the price of one; and this is the only instance in which he has his choice.

"I give you notice to keep off."[2] "I insist I will not be kept off." "I refuse to be kept off," says the man outside, *i.e.* says the man on whom the wound was inflicted. "I refuse that you be not kept off," says the man within who inflicted it.

One-third fine is paid, i.e., one-third of honor-price is paid for it the first night, and a cow as 'smacht'-fine.

This is *one of* a grade who was entitled to be carried out into sick-maintenance, and it was over at his *own* house he was offered to be attended, and this offer was of disadvantage to him; there is a cow as 'smacht'-fine for it for the first night, and one-third of honor-price; and the proportion of 'smacht'-fine for failure which runs for him for every night from that out, is the proportion which runs for him of the *other* two-thirds of the honor-price.

No dono, cena, na bu meisti a taircsin do itir. Cret so deisidein? Inindraig se set ro ferad and, ocus met̄ treda uil ann; bo do smac̄t and ar in cet aid̄ci, ocus trian trin neneclainni, ocus in tainmraindi reit̄es do da tréinib in trin neneclainni.

Diri let̄ dire do fine; no folaċ o fine fo fiċ fris cid urcaillte.

.i. diri i let̄ inec̄ is dir do biú ocus do liaig, is as eirnit̄er a c̄uit don fir fine is fer ocaib tocaib.

C. 1665. [No folaċ o ḟine fo fich fris ciḋ urċuilti.

.i. no a fulang o ḟine in tí ro fuac̄tnaigestar ris, ciamad grad bud urc̄uilti uma breit̄ amac̄ e for folac̄ not̄rusa; ocus is e sin aon inad ata a roḡa dfir fertana na cnede in a loigid̄ec̄t dfir ocaib tocaib do bera, no in fer ocaib tocaib uad̄ bud̄ein.]

O bus tre comraiti, no tre anfot feirgi indeit̄biri ferfaither na cneda, is cutruma ata log na tincisin o cac̄ duine uile itir saer ocus daer, cid i torbac̄ cid i nesbac̄; ocus o na saeraib tri anfot feirgi deit̄biri i torbac̄ ocus
O'D. 2379. i nesbac̄; ocus o na saeraib [uile] tria anfot cen feirg i torbac̄; ocus o urrad̄ tria na esba i nesbac̄; ocus o urrad i torbac̄ tria indeit̄bire torba.

C. 1662. [Crét bias ó daoraib̄ i nanfot feirge deṫbiri? .i. sec̄tmad ocus cutrumas sec̄tmaid let̄ diri na cned̄e co bas i

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[1] *Idler;* "esbac" seems to mean a mere gazer or looker-on, who had no business at the place.

Or else, indeed, *according to others, this is the case,* when the offer is of no disadvantage to him at all. What then? *It was* a tent-wound of six 'seds' *that* was inflicted in the case, and there is a failure of three things therein: a cow for 'smacht'-fine *is paid* for it on the first night, and a third of the third of honor-price, and the proportion which runs *for him* of the two-thirds of the third of honor-price.

'Dire'-fine of half 'dire'-fine to the family; or support from the family who injured him though prohibited.

That is, it is out of the 'dire'-fine respecting what is due for food, and to the physician, that his share is paid to the man of the family who acts[a] as nurse-tender.

Or support from the family who injured him though prohibited.

That is, or he is to be supported by the family of the person who attacked him, though he may be *of* a grade which it is prohibited to bring out into sick maintenance; and this is the only instance in which the person who inflicts a wound has his choice whether he will give the price of the nurse-tender, or whether a nurse-tender *shall be given* by himself.

When it is intentionally, or inadvertently in unlawful anger the wounds are inflicted, the allowance for attendance is the same from each and every person both free and bond, whether for a profitable worker or for an idler; and *it is the same* from the freemen *for wounds inflicted* inadvertently in lawful anger upon profitable workers and idlers; and from all the freemen *for those inflicted* inadvertently without anger upon profitable workers; and from a native-freeman for *wounds inflicted upon* an idler *who was present* in idleness; and from a native freeman for *wounds inflicted upon* a profitable worker in *a case of* unnecessary profit.

What shall be *due* from 'daer'-persons for *wounding* inadvertently in lawful anger? i.e. a seventh, and a portion equal to the seventh of half 'dire'-fine for the wound to death in

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[a] Ir. *Is.*

torbac̃ ocus i nesrac̃; ceit̃re sec̃tmaid naithgina i cec̃tar de iar mbass, cid i torbac̃ cid̃ i nesbac̃; uair noco nfuil dec̃bir [torbaig] no esbaig do gres o bias fearg, ac̃t mad̃ is luga isin ferg ndec̃biri na isin ferg indec̃biri.]

Cret bias o na daeraib tria anfot cen feirg deithbiri i torbac̃aib ocus i nesbac̃aib? Sec̃tmad oc̃rusa co bas, sec̃tmad ocus cutrumas sectmaid̃ in sec̃tmaid̃ lec̃ diri, ocus corob i nothrus do formastur i torbach sech esbac̃; ceit̃ri sec̃tmaid aithgina iar mbas i cec̃tar de, cid i torbac̃, cid i nesbac̃.

Othrus comlan o urrad i nesbac̃ tria na esbad̃; teora C. 1663. cethruimt̃i oc̃rusa o deoraid̃ i nesbac̃ tria na esbad̃; [da] sec̃tmad̃ ocus in cethruimt̃i rann dec oc̃rusa o murcairt̃i i nesbac̃ tria na esba. Sec̃tmad ocus cutruma sec̃tmaid lec̃ dire na cneidi, ocus corub i noc̃rus do formastur, co C. 1663. bas i torbac̃ sec̃ esbac̃; [cet̃re] sec̃tmaid aithgina iar mbas i cec̃tar de, cid i torba, cid i nesba.

Othrus comlan o urrad̃ i torbac̃ tria na indeit̃bire torba, ocus lec̃ othrusa uad i nesbach; cet̃ruimt̃i sec̃tmad oc̃rusa o deoraid̃ i torbac̃ tria na indeit̃bire torba; da sec̃tmad uad isin esbac̃; da sec̃tmad ocus in cet̃ruimt̃i rand dec o murc̃airt̃i i torbac̃ tria na indeit̃bire torba; sec̃tmad ocus in toc̃tmad̃ rann fichit uad isin esbac̃.

Sec̃tmad othrusa o daer i torbac̃ tria na indeit̃bire C. 1663. torba. [In cetruma rann deg uad̃ i nesrac̃; no dono, in cutruma bias i nesrad tre esra, gurab ed̃ bes i torbad

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[1] *Three-fourths of sick-maintenance.*—C. 1663 and 1808 have here "three-sevenths."

[2] *Four-sevenths.*—O'D. 1527 has here "seven-sevenths," which appears a mistake.

[3] *For unnecessary profit.*—That is, in cases where the man injured was not obliged to be present, but his being present was profitable to him.

the case of[a] a profitable worker and an idler; four-sevenths of compensation for either after death, whether for a profitable worker or an idler; for there is no difference of profitable worker or idler any time when there is anger, only there is less for the lawful anger than for the unlawful anger.

What shall be *due* from 'daer'-persons, *in case of wounds inflicted* inadvertently without lawful anger, for profitable workers and idlers? A seventh of sick-maintenance till death, a seventh and the equivalent of a seventh of the seventh of half 'dire'-fine, (and it is in sick-maintenance it increases for a profitable worker more than for an idler); four-sevenths of compensation after death for either of them, whether for a profitable worker or for an idler.

Full sick-maintenance *is due* from a native freeman for an idler *injured* through his idleness; three-fourths of sick-maintenance[1] from a stranger for an idler *injured* through his idleness; two-sevenths and the one-fourteenth of sick-maintenance from a foreigner for an idler *injured* through his idleness. *There is* one-seventh and a portion equal to one-seventh of half 'dire'-fine for the wound till death for a profitable worker more than for an idler, (and it was in sick-maintenance it was increased); four-sevenths[2] of compensation after death for either a profitable worker or an idler.

Full sick-maintenance *is due* from a native-freeman for a profitable worker *injured* for unnecessary profit,[3] and half sick-maintenance from him for an idler; four-sevenths of sick-maintenance from a stranger for a profitable worker *injured* for unnecessary profit; two-sevenths from him for the idler; two-sevenths and one-fourteenth from a foreigner for a profitable worker *injured* for unnecessary profit; one-seventh and one-twenty-eighth *are due* from him for the idler.

One-seventh of sick maintenance is *due* from a 'daer'-person for a profitable worker *injured* for unnecessary profit. The fourteenth part is *to be paid* by him for an idler *injured*; or else, *according to others*, the proportion which is *paid* for an idler *injured* in idleness is what

[a] Ir. *For.*

THE BOOK OF AICILL. tria indeṫbir torbaid; ocus in cutruma bias i torbad tria indeṫbir torba, gurab e a leṫ bes i nesraċ tria indeṫbir torba.]

Ni gona cimid manub lat.

.i. in cimid is dilseċ bais. Slan don ti i raibe laim he a marbaḋ; ocus slan don ti ro cungain leis, mana coemnacair in ti i roibi he a marbad; ocus ma conic, is fiaċ bais ecoir on ti ro cungain leis; is a breiṫ sin dfine in cimeda.

Masa necmais ind ti i raib i laim he ro marb neċ aile he cen deoin do, is leṫ eneclann dic risin ti i roib i laim he, ocus leṫ eneclann ocus leṫ coirpdiri dic do re fine in cimeda; no dono, comad slan i leṫ risium he, daiġ is si in aiged ro bail dosum tucad air, in marbaḋ.

Más a ngell re fiaċaib ro bi he, aċt mas e ind ti a roib i laim he do marb he, is coirpdire ocus eneclann dic do re fine, ocus na feiċ risi roibi dic da fine; no mad ferr leo can ní doib ocus can ní uaṫib, is leo a roġa.

Ma ro cungain neċ aile leis aca marbad, is coirpdiri C. 1667. ocus eneclann dic [re ḟine] dóib mar aen a cuibdius, no o ceċtar de i necuibdius, ocus na feiċ risa roibi dic da fine; no mad ferr leo can ní doib ocus can ní uaiṫib, is leo a roġa. Ocus in cutruma ro icfad in ti ro cungain leis re fine in cimeda, is a ic do risin ti i roib i laim he.

Mas i necmais in ti i roib i laim he, ro marb neaċ aile C. 1667. he can deonugad, [coirpdire ocus] eneclann dic do risin ti i raibi laim he, ocus coirpdiri ocus eneclann dic do re fine in cimeda; ocus na feiċ risa roibi dic don fine; ocus

shall be *paid* for a profitable worker injured in *a case of* unnecessary profit; and of the proportion which is *due* for a profitable worker in *a case of* unnecessary profit, the half shall be *due* for the idler *injured* in *a case of* unnecessary profit.

Thou shalt not kill a captive unless he be thine.

That is, the captive who is condemned to death. It is lawful for the person who had him in custody[a] to kill him; and the person who assisted him is exempt, if the person in whose custody he was, were not able to kill him; but if he was, fine for an unjust death is *due* from the person who assisted him; this is obtained by the family of the captive.

If it was in the absence of the person in whose custody he was, and without his leave, another person killed him, he (*the slayer*) shall pay half honor-price to him in whose custody he was, and shall pay half honor-price and half body-fine to the family of the captive; or indeed, *according to others,* he may be exempt on account of him, for it is the fate intended for him that was brought on him, *viz.*, death.

If it was in pledge for debts he was *in custody*, and if it was the person who had him in custody that killed him, he has to pay body-fine and honor-price to his family, and the debts for which he had been *in custody* are to be paid by his family; or if they prefer to get nothing and pay nothing,[b] they have their choice.

If another person assisted him in killing him, body-fine and honor-price are to be paid by them both conjointly or by each separately to his family, and the debts for which he had been *in custody* are to be paid by his family; or if they prefer to get nothing and pay nothing,[b] they have their choice. And the part which the person who assisted should pay to the family of the captive is to be paid by him to the person with whom he (*the person slain*) had been in custody.

If it was in the absence of the person by whom he was *kept* in custody, and without leave from him, another killed him, he (*the slayer*) shall pay body-fine and honor-price to the person in whose custody he had been, and shall pay body-fine and honor-price to the family of the captive; and the debts for which he had been *in custody* are to be paid by

[a] Ir. *Hand.*

[b] Ir. *Nothing to them and nothing from them.*

mad ferr leo can ní doib ocus can ní uat̆ib, is leo a roğa. Ocus cac̆ ní ro icfad in ti ro marb he re fine, is a ic do risin ti i roib i laim he; ocus is cetfaid, cid mo in ni risi mbet̆ he, comad a ic dosum, uair is e ruc a gell uad; ocus in cutruma ro icfad in duine ut imac̆ re fine, is a ic uadsom anosa.

No fuatach fo tairisin.

.1. Slan in terrac̆ do gabail aenac̆t cacha bliadna re deit̆birius, ocus da ngaba in fec̆t tanaisti, is eneclann, ocus da ngaba in tres fec̆t, is eneclann ocus diri ocus aithgin. Ocus damad re indeit̆birius do gabad fo cetoir he, do biad̆ fiac̆ eirrig indeit̆biri uad, .1. [eneclann] diri ocus aithgin. C. 1668.

[Slan] a gabail do cert toc̆us in fir fine, ocus ni fuil C. 1669. fein ina cert toc̆us; no dforcraid toc̆usa in fir fine ocus ni fuil fein ina forcrad toc̆usa.

Má ro gabustarsum do cert [t]oc̆us in fir fine, ocus ata féin ina cert [t]oc̆us, no dforcraid toc̆usa in fir fine, ocus ata fein ina forcraid toc̆usa, is fiac̆ erriğ indeit̆biri uad.

Is e airet islan [in teirrech] a gabail co ruici trian C. 1668. log enec̆ in graid dia ngabar he, no in graid gabus; cid bed dib bus luga, corab e gabar and, ac̆t na gaba imarcraid tairis; ocus da ngaba, is fiac̆ erraiğ indeit̆biri, [ocus lan fiach gaiti] uad. Ocus is and ata sin do C. 1669. gabail [co trian loğ enech], in tan ro dlec̆t in cutruma sin C. 1669. de, no ni is mo inas; ocus masa luğa ina sin in ni ro dlec̆t de, ocus da ngaba, is fiac̆ eirrig indeit̆biri uad.

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[1] *It is lawful.*—O'D. 1529 has here "can without," which does not make sense.

the family; and if they prefer to get nothing and pay nothing[a] they have their choice. And whatever the person who killed him should pay to the family, he shall pay to the person with whom he had been in custody; and it is the opinion *of lawyers* that, though that for which he had been *in custody* was greater *than the 'eric'-fine for killing him*, it should be paid by him (*the slayer*), because it was he that took his pledge from him; and the portion which that person should pay out to the family is to be paid by him now.

Or carrying off under compact.

That is, it is lawful in case of necessity to take an additional levy once every year, but if it be taken the second time, honor-price is *due*, and if it be taken the third time, honor-price and 'dire'-fine and an equivalent shall be *paid for it*. And if it had been taken without necessity the first time, there would be *due* for it the fine for an unnecessary exaction, i.e. honor-price 'dire'-fine and restitution.

It is lawful[1] for him to take it from the proper wealth of the family man when[b] he is not himself in *the enjoyment of* his proper wealth; or from the excess of wealth of the family man, when[b] he is not in excess of wealth himself.

If he has taken it from the proper wealth of the family man, when[b] he is himself in *the enjoyment of* his proper wealth, or from the excess of wealth of the family man, himself having excess of wealth, it is a fine for an unnecessary exaction *that is due* from him.

The extent to which there is exemption for taking a forced exaction is to the third of the honor-price of the grade *of the person* from whom it is taken, or of the grade *of the person* who takes it; whichever of them is the smaller is to be taken, but he takes not anything over and above it; and if he takes it, it is the fine for an unnecessary forced exaction, and full fine for theft *that are due* from him. And it is then this is to be taken to *the extent of* a third of honor-price, when so much was due of him, or more than it; and if what was due of him was less than that, and if he takes it (*the forced exaction*), the fine for an unnecessary forced exaction is *due* from him.

[a] Ir. *Nothing to them and nothing from them.*

[b] Ir. *And.*

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Slan a gabail do cuic fer na geilfine, ocus do taebfine geilfine, ocus do cac̆ fine budein.

Slan a gabail do c̆ul co roib comlin fine na sec̆t fer ndéc ar ud and, ocus noco dlegar a gabail tairis.

Comlin fine na sec̆t fine sin: ocus slan a gabail do t̆aib co ria cuic fer iar nimcein fialusa for cac̆ let̆.

C. 1670. [Slan a gabail iar nimchian fialusa ar gac̆ let̆, cen co roib̆ coimlin na sec̆t fer deg ann do cac̆ fine ind ti bud̆ein.]

Slan a gabail do goistib, ocus do clemnaib, ocus doitib, ocus do buimaib, ocus do comaltaib, ocus do cairdib caemclut̆a, ocus dairilliud fine ocus anfine uile.

C. 1670 [Is dib̆ is slan in teirrec̆ do gabail, do clemnaib̆, ocus do comdaltaib̆, ocus do combrait̆rib̆, ocus do cul, ocus do taib̆, ocus iar ḟut, ocus do cuigir na geilfine, ocus do geilfine taoib̆fine, no co ria coimlin sec̆t fir deg iar fut ann; ocus o bias, na geib̆ed̆ fine dib̆ da ceile, ac̆t geibed̆ gac̆ fine ind ti bud̆eisin, uair geilfine gac̆ fine indti bud̆eisin, ocus taibfine gac̆ fine in te bud̆ein.]

Slan a gabail, cid i naiğid̆, cid i necmais, ac̆t na gabtar tar sarugad a fiadnaise; ocus da ngabtar, is fiac̆ eirrig indeit̆biri uad .i. fiac̆ gaiti .i. eneclann ocus diri ocus aithgin.

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[1] *The 'taebh-fine'-division.*—The MS. E. 3, 5, (O'D. 1530) has here "geilfine ocus do caċ fine," which are not in the corresponding place in C. 1669, and which appear to render the passage unmeaning. For some of the divisions of the

It is lawful to take it from the five men of the 'geilfine-' division, and from the 'taebhfine'-division[1] of the 'geilfine' division, and of every 'fine'-division itself.

It is lawful to take it from the 'cul*fine*'-division *and the 'taebhfine'-division* until the whole seventeen men of the family are included,[a] but it is not lawful to take it beyond that.

That is the number of the family *consisting* of the seven 'fine'-divisions; and it is lawful to take it from the 'taebh*fine*'-division till it reaches five men in distant relationship on each side.

It is lawful to take it from distant relatives on each side, though the full number of the seventeen men may not be extant of each family-*division* of the person himself.

It is lawful to take it from gossips, and from sons-in-law, and from foster-fathers, and from foster-mothers, and from foster-brothers, and from mutual friends, and from all the best of the family and the people not of the family.

It is from these persons it is safe to take the forced exaction, *viz.*, from people-in-law, and from foster-brothers, and from *kinsmen of* the 'cul*fine*'-division and 'taebh*fine*'-division, and to the whole extent *of the seventeen men*, and from the five persons of the 'geilfine'-division, and from the 'geilfine'-division of the 'taebh-fine'-relations, until it reaches the whole seventeen men completely; and when this is *reached*, let not one family of them take from the other, but let each family take the person himself, for the person himself is a 'geilfine'-relation of each family, and the person himself is a 'taibh-fine'-relation of each family.

It is lawful to take it either in a person's presence or in his absence, but so as it is not taken by violence in his presence; and should it be *so* taken, there would be for it a fine for unnecessary forced exaction, i.e. the fine for theft,[2] i.e. honor-price and 'dire'-fine and restitution.

[a] Ir. *In it.*

"ꝼıne" or family, vid. supra. page 330. The word "taebh-fine" means literally "side-family," and the word "cul-fine," means "back-family."

[2] *Fine for theft.*—The words "ꝼıaċ ᵹaıꞇı" are an underlined gloss on the word "eneclann ocuꞅ ꝺıꞃe".

Cesc—cid do gena in ti gebus in terrac̃? Denad arad̃ ocus troscad, ocus gabad athgabail im aithgin co na let̃gabal diabulta; ocus cach uair aisicid in aithgin uad aisicid in let̃gabal diabalta; no dono c̃ena, ce na aisicid in aithgin uad cuna aisicid i let̃gabal diabalta, uair is eiric fogla hi .i. daig is elod do formac̃t; ocus is ann islan a gabail co trian log enec̃, in tan is mo na feic̃ na trian log enec̃ no is cutruma fris. Masa luga na feic̃, noco teit dar cutrumas fiach.

Masa set aca ta lac̃t no gnimrad ro gabad isin errac̃, C. 1670. islan in cet cuicte i comlogud [d̃e]; ocus aithgin lac̃ta ocus gnimraid ar in cuict̃i tanaiste, co na torac̃tain fein a forba na cuict̃i sin; ocus mana toirset, ineoc̃ is seoit cethrarda dib is tairgilli do rit̃ ríu ar da lait̃ib dec; ocus ineoc̃ is seoit diabulta, is tairgilli do rit̃ ríu ar treisi, o dec̃maid amach.

Masa seoit ac na fuil lac̃t na gnimrad ro gabad isin errac̃, islan in cet treise dib i comluga, co na torac̃tain fein a forba na treisi sin; ocus maine toirset, ineoc̃ is seoit cetharda dib, is tairgilli do rit̃ ríu ar da lait̃ib dec o dec̃maid; ocus ineoc̃ is diabalta dib, is tairgilli do rit̃ ríu ar treisi.

Masa seoit smac̃ta no eneclainni ro gabad isin nerrach, is cutrumas trin aithgina do ric̃ leo ar cac̃ lait̃i naicenta, corab ar tri lait̃i do roic̃ cutrumus a colla leis amaich.

A etrocairi in errig, a eneclainni i comrit̃ re tairgille;

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[1] *One-third of compensation.*—For "aithgina" of the text, C. 1672, reads "na colla, of the body."

Question—What shall the person do who takes the forced exaction? Let him give notice and fast, and let him take distress for compensation with double half-seizure; and whenever he returns the compensation from him he returns *also* the double half-seizure; or, indeed, *according to others*, when he does not return the compensation he returns not the double half-seizure, for it is 'eric'-fine for trespass, i.e., because it is evasion that increased it; and the case in which it is lawful to take it as far as one-third of honor-price is, when the debts are greater than one-third of honor-price or equal to it. If the debts be less, it does not go beyond the proportion of debts.

If it be animals that have milk or *are capable of* work that were taken in the forced exaction, the first five days of them are free in case of set off; and compensation for the milk and for the work *shall be made* on the second five days, with the return of themselves (*the animals*) at the end of those five days; and if they are not returned, such of them as are quadruple animals shall have additional interest accumulate[a] on them for twelve days; and *as regards* such of them as are animals of double, additional interest shall accumulate on them for three days, from ten days forth.

If it be animals which neither have milk nor *are capable of* work that were taken in the forced exaction, the first three days of them are free in case of set off, when they are themselves returned at the end of those three days; but if they be not returned, *as to* such of them as are quadruple animals, additional-interest shall accumulate[a] on them for twelve days, from ten days *forth*; and *as to* such of them as are *animals of* double, additional interest shall accumulate[a] on them for three days.

If it be animals of 'smacht'-fine or honor-price that were taken in the forced exaction, an equivalent of one-third of compensation[1] accumulates on them for every natural day, so that it is in three days the equivalent of the animal[b] would become due[c] to him *from whom it has been taken.*

The severity of the forced exaction is, that the honor-price and the interest accumulate for the same time; its leniency,

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[a] Ir. *Run.*

[b] Ir. *Body.*

[c] Ir. *Would reach.*

a trocaire imurro, in re ar a reiṫenn a tairgilli, curub a diablaḋ na ré sin reiṫer a eneclann.

In bail atá, imurro; taircit scena feis; taircit sleġa treis, tairgit claidim cuicṫi, tairgit sceiṫ deċmad, re comloigṫe sin acu nailind denmaid do reir iarmbreṫais, ocus biad uidi ici re taeb.

I cor no i cundrad tucad and sin iat; ocus damad i nerraċ ro gabṫa iat, ro bud anud fo aicneḋ seoit co ngnimrad no cen gnímrad; ocus damad i nathgabail ro gabṫa iat, ro biad anad orru fo aicned nesaim no nemnesaim.

Atait a tri dosliat tairgilli i faill oin co aige.

.i. casc no nollac .i. islan aċt co tora is na laitib sin hi, ocus mana tora, is tairgilli do riṫ ria o sin amach.

Airlecad co aimsir.

.i. in tairlicud co aimsir errig no hogmair. Islan aċt co tora isin ló deidinach don erraċ no don nogmar he; ocus mana tora, is tairgilli do riṫ riu o sin amaċ.
O'D. 558. Ocus cinded aigi airiṫi [ata] orro and sin, uair mane beiṫ, ce be uair dib do neṫar a timgaire ised dlegair a nairic; uair in ni forr na fuirmiṫer aigi, is e aigi a timgaire.

Deiṫbir itir anfaitċius na hona ocus anfis in airlicṫe. Anfaitċius na ona, ni ḟitir in re do tiaċtain, ocus ni itir
C. 1668. co mbeitis feiċ air; [anfis an airlicṫi, ro ḟitir in re do tiaċtain, ocus ni fitir co mbedais feiṫ air]; no dono, cena,
C. 1668. ro itir in re do tiaċtain [i ceċtarde.]

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[1] *Knives spend.*—For "tairciṫ," C. 1672 reads "teilgeṫ." The quotation seems to be a fragment of some old poem.

[2] *After judgment.*—For "iarmbreiṫais," C. 1672, has "armbreṫ."

[3] *Neglect of a loan.*—"Oin" and "airlecaḋ" both mean a loan:—the former, the loan of any thing without charge, for a definite time, but for which, if not turned at the end of that time, interest was charged; the latter means the loan any thing on hire, for a specified time.

however is, that for whatsoever time the additional interest accumulates, the honor-price accumulates for double that time.

Where, however, it is *said*, "knives spend[1] one night, spears spend three, swords spend five, shields spend ten," this is the time of set off during which they require to be proved according to after-judgment,[2] and there shall be a period of paying besides.

In *cases of* bargain or contract they were given in this *instance;* and if it were in a forced exaction they had been seized, there would be a stay *on them* according as they were 'seds' capable of work or not capable of work;[a] and if it were as distress they had been taken, there would be a stay on them according to their nature of necessary or non-necessary *articles.*

There are three things which require interest for neglect of a loan[3] *given* until a definite day.

That is, *to* Christmas or Easter, i.e., he (*the borrower*) is exempt provided he returns it on these days, and if he does not return it, interest shall accumulate on it from that out.

A loan for a time.

That is, the loan till the time of Spring or Autumn. He (*the borrower*) is exempt, but so as he returns it on the last day of spring or of autumn; and if he returns it not, interest shall accumulate on it[4] from that out. And in this case there is a certain time fixed for *returning* it, for if there were not, at whatever time it (*the thing lent*) may be asked for, it ought to be returned; for *as to* the thing respecting which no time has been fixed, its being asked for determines[b] the time.

There is a difference between the inadvertence of the loan and ignorance of the lending. Inadvertence of the loan *is, when* he (*the borrower*) does not know that the time has arrived, and does not know that interest[c] would accumulate upon him *for overlooking it; or, according to others,* ignorance of the lending *is*: he (*the borrower*) knew that the time had arrived, but he did not know that interest[c] would accumulate[d] upon him; or indeed, *according to others,* he knew that the time had arrived in either case.

[a] Ir. *With work, or without work.*

[b] Ir. *Is.*

[c] Ir. *Debts.*

[d] Ir. *Be.*

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[4] *On it.*—For "ꞃıu, on them," O'D. 558 reads "ꞃıꞅ, on it."

The Book of Aicill. — C. 1668. [Anfaitces na hona .i. ro fitir in re do tiaċtain, ocus ni fitir co mbeidis feiṫ air. Anfis in airlicid; ro fitir in re do tiaċtain], ocus do itir co mbeitis feiċ air, ocus ni itir ca feċ do biad air.

Cosegat saeglann sloiged.

.i. smaċt ar daerceili graid feine in nemdul ind, ocus i tiaċtain as; diablad ngnimraid ar saerceilib graid feine i nemdul ind, ocus eneclann a tiaċtain as.

Masa grad flaṫa co na daerċeilib tainic as, no cid iat na ceili tainic as, masa esum a dubairt ríu, is eneclann dic ann, ocus comraind smaċta cana co na bi fer crai air; a leṫ do rig in cuicid, a leṫ aili do roind i tri, a trian don rig is nesu suas do rig in cuicid, a trian do rig na tuaiṫe uil orrusum tris, ocus a trian do na flaṫaib ocus do na etarflaṫaib uilet etarru ar medon.

Masa grad flaṫa ocus aen ċeile tainic as, eneclann dic and fos; ocus in cutruma ro icfad in ceile co mbeṫ na céled uili ann, corob ed icas, ocus a fuil ann o ṫa sin amaċ dic dosum. Ocus in comraind cetna air a leṫ do rig in cuicid, ocus in leṫ aile do roind i tri.

C. 1675. Mas iat na ceilida fein tainic as can deoin dosum, [in] smaċt no eneclann [uil] and, [is a ic doib]; ocus comraind

C. 1675. smaċta cana oc na bi fer crai air; a trian do rig in cuicid, ocus a trian don grad flaṫa as a ceile tainic as, ocus a trian aile do roind i tri: a trian do riġ na tuaiṫi

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[1] *He did not know what debts would accumulate upon him.*—This seems to mean, that he did not know the rate of interest.

[2] *Where there is no owner of property.*—For "co, of the text," C. 1675 reads "oc."

[3] *Where there is no owner of property.*—For "oc na bi," of the text, C. 1675 reads "oc a mbi, where there is."

Inadvertence of the loan: *i.e.*, he knew that the time had arrived, but he did not know that debts would accumulate[a] upon him. Ignorance of the lending; *i.e.*, he knew that the time had arrived, and he knew that debts would accumulate[a] upon him, but he did not know what debts would accumulate[a] upon him.[1]

A chief may enforce a hosting.

That is, *there is* a 'smacht'-fine upon a 'daer'-tenant of the 'feini' grade for not going to it (*the hosting*), and for coming away from it; *there is* double work upon the 'saer'-tenants of the 'feini' grade for not going to it, and *they pay* honor-price for coming away from it.

If it be a *man of* chieftain grade with his 'daer'-tenants that came away from it (*the hosting*), or if it be the tenants that came away from it, if ordered by him (*the chief*), honor-price shall be paid for it, and it is to be divided like the 'smacht'-fine for *violating* the 'cain'-law where there is no owner of property:[2] half of it *goes* to the king of the province, *and* the other half is divided into three parts; *of which* one-third *goes* to the king who is nearest to the king of the province in upward gradation,[b] one-third to the king of the territory who is over those below, and one-third to the chiefs and intermediate chiefs who are between them in the middle.

If it was a *man of* chieftain grade, and one tenant that came away from it (*the hosting*), honor-price is to be paid for it (*the desertion*) also; and the share which the tenant should pay, if all the tenants had been *concerned* in the case, is what he is to pay *now*, and the remainder is to be paid by him (*the person of chieftain grade*). And the same division *is made* of the half for the king of the province, and the other half is divided into three parts.

If it was the tenants themselves that came away from it (*the hosting*) without his (*the chief's*) leave, the 'smacht'-fine or the honor-price which is *due* for it are to be paid by them; and the division of the 'smacht'-fine for *violating* the 'cain'-law *is to be made* of it where there is no owner of property;[3] one-third of it *goes* to the king of the province, and one-third to the *man of* chieftain grade whose tenants came away, and the other third is to be divided into three *parts*; one-third of which *goes* to the king of the district

[a] Ir. *Be.*

[b] Ir. *Upward.*

uil orrusum ar, ocus a trian do na flaṫaib ocus do na etarflaṫib uil etarru ar medon.

Ma tancatar luċt smaċta ocus eneclainni ar, can cuibdius do gabail atarru, aċt caċ dib dic a lana ar a aiġiḋ budéin. Noco ngaba cuibdius itir luċt smaċta ocus eneclainni, noco ngaba itir luċt diabulta neċ dib itir.

Cach uair ismaċt ictar ann, is a ic fo aicned in ti icas; ocus caċ uair is eneclann, is a ic fo aicneḋ in ti fris i nictar.

C. 1674. Cid fodera conadh mo ar na gradaib flaṫa [cen dul isin sloiġiḋ] na ar na gradaib feine? Is e faṫ fodera; mo is turbrod don tsloiged no don dunad na graid flaṫa na ecmais inait na graid feine, ocus mo recair a les iat, ocus coir ciamad mo no beith orro.

Cid fodera conad mo orro i tiaċtain ar ina neamdul ind? Is e faṫ fodera; aicbeile don rig a facbail amaiċ a criċ neambescna ina nemdul leis amach fo ċetoir.

Cach uair ismaċt sin, is fo aicneḋ in ti icas; caċ uair is eneclann, is fo aicneḋ in tí risi nictar.

Ma luċt smaċta ocus eneclainni tainic ar, aṫfegtar cuibdius etarru side, .i. in luċt is mo lan dic na imarcraidi; ocus tecait a cuibdes ar amus in loċta bus luġa lan, ocus comicat etarru.

Mara luċt smaċta ocus diabulta gnimraiḋ, ocus eneclainni ocus diabalta gnimraid, tainic ar, noco naṫfegtar cuibdes etarru, aċt caċ dib dic a lanna ar a aġaiḋ budein; uair aṫfegtar cuibdes itir luċt smaċta ocus eneclainni;

who is over them, and one-third to the chiefs and intermediate chiefs who are in the middle between them.

If persons incurring[a] 'smacht'-fine and honor-price came away from it (*the hosting*), they are not to be taken conjointly, but each of them is to pay his full share for himself. Persons incurring[a] 'smacht'-fine and honor-price, or persons incurring[a] double of either of those, are not to be taken conjointly.

Whenever it is 'smacht'-fine that is paid, it shall be paid according to the rank of the person who pays *it;* and whenever honor-price is *paid*, it shall be paid according to the rank of the person to whom it is paid.

What is the reason that there is *a* greater *fine* upon the chieftain grades for not going to the hosting than upon the 'feini'-grades? The reason is; the hosting or the fort-making suffers a greater loss from the absence of the chieftain grades than *from that* of the 'feini' grades, and they are more needed, and it is right that there should be *a* greater *fine* upon them.

What is the reason that there is *a* greater *fine imposed* upon them for coming away from it (*the hosting*) than for not going into it? The reason of it is; it is more dangerous for the king to be deserted outside in an enemy's territory[b] than that they (*the tenants, &c.*) should not go out with him at first.

Whenever that *penalty* is 'smacht'-fine, it is *regulated* according to the rank of the person who pays it; whenever it is honor-price *that is due*, it is *regulated* according to the rank of the person to whom it is paid.

If it be persons incurring[a] 'smacht'-fine and honor-price that came away from it (*the hosting*), equalization is considered between them, i.e., they who have the greater full *fine* pay the excess; and they come into shares with the persons who have less full *fine*, and they pay equally between them.

If it be persons incurring[a] 'smacht'-fine and double-work, and honor-price and double-work, that came away from it (*the hosting*), equalization is not taken into account between them, but each of them pays his full *share* on his own account; for equalization is taken into account between persons from whom 'smacht'-fine and honor-price are *due;*

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[a] Ir. *Of*

[b] Ir. *A non-'bescna' territory.*

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ocus noco naťfegtar itir lučt smačta ocus diabalta gnimraiď, no itir lučt enecclainni ocus diabalta gnimraiď, ačt cač dib dic a lana ar a agaid budein.

Faill dono cen imcomet cimeda.

C. 1676. .1. In cimid, ačt ma ro ačtaig cuibreč airiťi air, [ocus] ma se in cuibreč sin tucad air, no cuibreč is dligtiǧi anas, no is comdligteč ris, cen fis etallais cuibrig dib, islan don ti i raib i laim e cá na eloď as he.

Ma ro ačtaig in cuibreč airiťi, ocus tuc in cuibreč sin air, co fis etallais, no cuibreč is isliu anas, cen fis etallais, ocus ro bi a tuicsi co tiucfad astad de, is leť fiač in cinad ris i raibi dic don ti i raibi laim he, ocus leť fiač cač cinad do gena no co ti re dligeď.

Manar cuibrig itir he, no ce ro cuibrig, masa cuibreč co fis etallais tuc air, ocus ro bu cindti leis na ticfad de a astud, is lan fiach in cinad ris a roibi dic don ti i roibi laim he, ocus lan fiač cač cinad do dena no co ti re dligeď.

Ma ro ačtaiǧeď cuibreč airiťi air, ocus ni tucastarsum in cuibreč sin air, no cia tucustar, ma ro cindti leis co na ticfad a astad de, icad lan fiač in cinad imar gabad, ocus lan fiač cač cinad do dena no co ti re dligeď.

Manar ačtaiged cuibreč airiťi air itir, ačt a cuibreč čena, ci be cuibreč uile do bera air in ti i raibi laim he, o na bia fis etallais aici, ocus o bus si a tuicsi co tiucfad a astud de, slan do ce na elod as he.

Manar erbad ris a cuibreč itir, ačt a comet čena, slan dosum ce helai as he, o da gena a coimet cen dičell. No

but it is not taken into account between persons from whom 'smacht'-fine and double-work, or honor-price and double-work are due, but each of them pays his own full *share* on his own account.

Neglect indeed in not guarding a captive.

That is, *as to* the captive, if a particular fetter was agreed *to be put* upon him, and if it was that fetter that was put upon him, or a fetter more lawful than it, or equally lawful with it, without knowledge of defect in any fetter of them, the person in whose custody[a] he was is exempt even though he should escape from it.

If the particular fetter was agreed on, and if he (*the keeper*) put that fetter upon him, being aware of a defect *in it*, or a worse[b] fetter than it, not being aware of any defect *in it*, and it was his belief that it would restrain him, he in whose custody[a] he was pays half the fine for the offence for which he was *in custody*, and half the fine for every offence which he shall commit until he submits[c] to law.

If he (*the keeper*) did not fetter him at all, or though he did fetter *him*, if it was a fetter of whose defect he was aware he put on him, and he was certain that it would not restrain him, he in whose custody[a] he was shall pay full fine for the offence for which he was *in custody*, and full fine for every offence which he commits until he submits to law.

If it was agreed *to put* a certain fetter upon him, and if he did not put that fetter upon him, or though he did put *it*, if he was certain that it would not restrain him, he shall pay the full-fine for the offence for which he was arrested, and the full fine for every offence which he commits until he submits to law.

If no particular fetter was agreed *to be put* upon him, but only that he should be fettered; whatever fetter the person with whom he was in custody[a] puts upon him, provided he is not aware of its being defective, and it is his belief that it will restrain him, he is exempt though he (*the captive*) should effect his escape.

If he was not ordered to fetter him at all, but to keep him, he (*the keeper*) is exempt though he (*the captive*) should escape, provided he keeps him without neglect. Or, indeed,

[a] Ir. *Hand.*

[b] Ir. *Lower.*

[c] Ir. *Comes.*

THE BOOK OF AICILL. dono čena, comad lan fiač in cinad fir i raibi dic do, ocus lan fiač cač cinad do dena co ti re dligeḋ; uair nocu comet dligtec he ma ro ela as he, uair is ed a dubrad fir a coimet, ocus nocu namail coimet he ma ro ela as he.

Cid fodera lan fiač isin faill sea, ocus co na fuil ačt aithgin is na faillaib aile? Is e fač fodera; beo [dile] conic a gait budein in duine, ocus daiti indligiḋ air in ti do rine faill ime; ocus coir cemad lan fiač air.

C. 1677. [Mana ro ačtaig cuibreč airite air itir, ačt a coimed, is amail cinnid cin ečtugad cuibrig airithe é, im a slainti do. No dono, co na bud luga leis no ačtugad cuibriğ airiti; uair a dubairt fir a coimet.

Cid fodera co na fuil ačt leč fiach isin aične so, ocus co fuil lan fiach isin naithne eile? Is e in fač fodera; in aične isin inut eile nočo teit as a hinat i co mbeirenn neč eile, ocus faili do rigne uimpi, ocus coir cemad moite innte. In aithne so imorro, hi budein rucustar (no rusgatt) ann hi, ocus coir cemad lugaite innte.]

In aične noco téit as a hinad hi co mbeirind duine hi, ocus faill do rignid impi, ocus coir ciamad moiti indti.

Faill dono do connaib cen imcomet caċ ecuind.

.1., in codnaċ dar erbad in tecodnač do coimet re re naen uaire, is lan fiač uad in cač cinaid ferfait bera
C. 678. ocus sleaga, [cip ocus clocha], alla ocus dreimimda, ruib ocus deoraḋa, ocus aes bidbunais na criči air co fir a mbidbanais; is a ic sin don ti dar erbad a coimet, cia tarus amuič sin, cen co tarčus; no dono čena, is can

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[1] *Neglect in keeping it.*—The words in parenthesis in the Irish are an interlined aliter reading by another hand.

[2] *Out of its place.*—From this and other passages of a like kind, it would appear that the imprisonment here referred to was not in a regular gaol, but was a sort of *libera custodia*.

according to others, he is to pay the full fine of the offence for which he was *detained*, and full fine for every offence which he may commit, until he submits to law; for it is not a lawful keeping if he escaped, because he was ordered to keep him, and it is not like keeping if he escaped.

What is the reason *that there is* full fine for this neglect, and that there is only compensation in other *cases of* neglect? The reason is; a man is a live chattel that can "steal itself," and *it is* to punish the person who neglected *to guard* him, for his illegality; and it is right that full fine should be *imposed* upon him.

If no particular fetter has been agreed *to be put* upon him, but that he be kept, he is as a captive without specification as to any particular fetter, in respect of exemption. Or indeed, *according to others*, there would not be less *due* for *neglect in* this case than for *neglect in the case of* specification of a particular fetter; for he was ordered to keep him (*the captive.*)

What is the reason that there is only half-fine *due* for *neglect of* this charge, and that there is full fine for *neglect of* the other charge? The reason is; the charge in the other instance would not go from its place until another should remove it, and neglect took place with respect to it, and it is right that there should be more for it. This charge, however, removed itself, or stole itself, and it is right that there should be less *fine* for *neglect in keeping* it.[1]

This charge *i.e., dead chattels*, would not go out of its place[2] unless some person took it away, and neglect took place respecting it, and it is right there should be greater *fine* for this case.

Neglect indeed by sensible adults in not minding the non-sensible.

That is, the sensible adult who was ordered to mind a non-sensible person for the space of one hour, shall pay[a] full fine for every injury which spikes and spears, stocks and stones, cliffs and precipices, animals and strangers, and the enemies of the territory, he (*the sensible adult*) being aware of their enmity, shall inflict upon him; that *fine* shall be paid by the person who was ordered to mind him, whether it (*the injury*)

[a] Ir. *Is from him.*

tarraċtain amuiċ ata sin dic .dorum; ocus ma tarṫus amuiċ he, co na icasum ní and.

Ma tarṫitar ni de amuiċ, ocus ni tartitar he uile, is tainmraindi don lan fiaċ na tarṫitar amuiċ, corob e in tainmraindi sin don lan fiach icason.

Mas amaċ ro foġail in tecodnaċ, aċt masa biṫbineċ he, ma ro itirsom a biṫbinċi air, no ma ro indised do, is lan fo aicned a biṫbinċi dic and. Mana itirsum a biṫbinċi itir, is lan fo aicned airi dic an.

Leṫ fiaċ for a aiti ocus for a muime; ocus in caċ cneid ferrait bera ocus slega, alla ocus dreimenna, ruib ocus deorada, ocus aes bidbanais na criċi, co fis bidbunais orro. Is a ic sin da aiti ocus da buime, cia tarus imuiċ he cen co tarus; no dono ċena, is can taraċtain amaiċ ata sin; ocus [ma] tarus imaiċ he, geibid greim dar a cendsum. C. 1679.

Mas amaċ ro foġail in dalta a cet cin comraiti, do neoċ i roiċ eneclann eiric dic don aiti a dualgus cet cinad; ocus uiliatu a cinad no co nderna a aṫċur for a athair; ocus o do gena a aṫċur for a athair, a cinta biṫbinċi co faill dic don aiti, ocus a cinta biṫbinċi cen faill dic da athair.

Aṫċhur cinad re nais dialtri sin, ocus noco naṫċur airi; ocus damad aṫċur airi, ro bod saer in taiti ar a cinaid.

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[1] *Whether it occurred outside.*—The words 'tarus,' or 'tarṫus,' and the other forms from the same root have been rendered by Dr. O'Donovan here and in a few subsequent instances, 'occurred,' or 'happened.' Elsewhere they are rendered by 'was obtained,' 'seized,' 'recovered,' &c., meanings which appear to suit the present place very well. The sense would then be "whether it (*the fine*) was recovered outside (*i.e., from the parties who actually did the injury*) or not." It has not been thought advisable, however, to alter Dr. O'Donovan's translation.

occurred outside[1] *the territory* or did not occur; or indeed, *according to others*, it is when it did not happen outside this is to be paid by him; and if it happens outside, he shall pay nothing for it.

If any part of it (*the injury*) happened outside, and if it did not all happen *there*, the proportion of the full fine *for the part of it* that did not happen outside, is the proportion of the full fine which he shall pay.

If it was outside *the territory* the non-sensible person committed the injury, and if he be a vicious person, if he (*the guardian*) knew of his viciousness, or had been told of it, he (*the guardian*) shall pay full *fine*, according to the nature of the viciousness, for it. If he did not know of his viciousness at all, he is to pay full *fine* according to his age.

On his foster-father and on his foster-mother half fine *is imposed on his account;* and for every wound which spikes or spears, cliffs or precipices, animals or strangers, or the enemies of the territory when their enmity is known, shall inflict upon him. This *fine* is to be paid by his foster-father and his foster-mother, whether it (*the injury*) happened outside or not; or indeed, *according to others*, it is when it has not happened outside this is *paid;* and if[2] it has happened outside, a claim takes effect for them.

If the foster-son has committed his first intentional offence outside *the territory*, 'eric'-fine shall be paid by the foster-father for such as would incur honor-price, on account of the first offence; *he pays* also *for* all his offences, until he returns him to his father; and when he has returned him to his father, his offences of viciousness arising from[a] neglect are to be paid for by the foster-father, and his offences of viciousness without neglect, shall be paid by his father.

[a] Ir. *With.*

This was *a case of* returning *a foster-son* for his offences before the age at which the fosterage is completed, and not returning after[b] *attaining that* age; and if it had been returning after[b] *that* age, the foster-father would be exempt *from liability* for his offences.

[b] Ir. *Of.*

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[2] *And if.*—For 'ma,' the reading in O'D., 1536 (E. 3-5, p. 57), is 'nı' which does not appear to make sense.

Cid fodera co fuil lan fiac̆ ar in codnac̆ dar erbad in teccodnac̆ do coimet re re naen uairi, ocus na fuil ac̆t let̆ fiac̆ ar a aiti, ocus ar a buime? Is é fat̆ fodera; ussa don ti dar erbad̆ a comet re re naen uaire, na da aiti ocus da buime a comet do gres; ocus coir ce na bet̆ C. 1680. lan[fiac̆] ar in ti dar erbad a comet re re naen uaire, o na derna a comet co dligt̆ec̆; doilgi da aiti ocus da buime a C. 1680. comet imurro, ocus coir cemad lu [orro]; no, is comlugud lanamnais c̆ena ita itir in naiti ocus in dalta, can ni is mo uad na let̆.

Ma ro ail co aes diailtri, ocus ro ic a cet cin comraiti, is trian coirrdiri na cet cneidi, comraiti ro ferad air do breit̆ don aiti, cid aici cid iar ndul uad ro ferad air hi.

Manar oil co aes diailtri, ocus nir íc a cet cin comraiti, C. 1680. ac̆t mas aici ro fer[ad̆] cned air, is trian comlan dó breit̆ do; mas ar ndul uad, noco beirend nac̆ ni.

Manir ail co haes diailtri, ocus ro ic a cet cin comraiti, in tainmraindi don re ro ailestar cusub e in tainmrainde sin beires, cid aici, cid iar ndul uad ro ferad cned air. Ocus mas i cet cned ro ferad air a marbad, is trian coirrdiri in croli bais do breit̆ do; no dono cena, co na bet̆ ní do itir, uair nocu namail cneid leis in basugad.

What is the reason that there is full fine *imposed* upon the sensible adult who was ordered to mind the non-sensible person for the space of one hour, and that there is only half fine *imposed* upon his foster-father and his foster-mother? The reason of it is; it is easier for the person who was ordered to mind him for the space of one hour *to do so* than for his foster-father and foster-mother to mind him always; and it is right that there should be full fine *imposed* upon the person who was ordered to mind him for the space of one hour, when he did not mind him properly; but it is more difficult for his foster-father and his foster-mother to mind him, and it is right that there should be less *fine imposed* upon them; or, *according to others,* it is an adjustment of social connexion that exists between the foster-father and the foster-son, so that there is no more than half *fine required* from him.

If he fostered him to the completion of the age of fosterage, and paid for his first intentional offence, the one-third of the body-fine for the first wound intentionally inflicted on him shall be obtained by the foster-father, whether it was inflicted on him while with him, or after he had gone from him.

If he did not foster him to the age of completing the fosterage, and did not pay for his first intentional offence, and if it was *while* with him (*the foster-father*) a wound was inflicted upon him, he (*the foster-father*) shall obtain the full third *of the fine;* if it be after he has left him, he obtains nothing.

If he did not foster him to the age of completing the fosterage, and paid for his first intentional offence, the share *of the fine* which he gets is proportional to the time during which he fostered him, whether a wound was inflicted upon him while with him, or after he has left him. And if the first wound inflicted on him killed him,[a] it is one-third of body-fine for a death-maim that shall be obtained by him (*the foster-father*); or else, *according to others,* nothing shall be *due* to him at all, for putting him to death is not like *inflicting* a wound upon him.

[a] Ir. *Be his killing.*

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C. 1708.

[Talmaidech cin imchoimet.

.1. in duine da ro herbaḋ in talmaiḋeċ do ċoiṁet re re naen uaire, leṫ fiaċ caċa cneide ferrait bera ocus slega, cip ocus cloċa, ocus alla ocus dremanna, ruip ocus deoraid ocus aes biḋḃannais na criċe co fis a mbiḋḃanais orra; ocus ceṫruime in leṫ feiċ sin ar sellaċ ro bai aca seillceċt. Inand ocus reċtmaḋ in lain; is a ic sin don ti dar herbaḋ a coiṁet in tan nar ḟet a tesargain gan coṁrac fris; ocus da fedaḋ a tesargain gan comrac fris, in cutruma ro biaḋ i nemċoiṁet a hecoḋnaig aile, gurab eḋ bias uaḋ in a neṁċoiṁedsom.

Ma ṫarraiġar sin amuiċ, islan dosuiṁ; mana tarraiġar, is a ic dosan.

Mas amaċ ro foġail in talmaiḋeċ, in cutruma ro icaḋsom i cinaiḋ a hecoḋnaig eile, gurab he a leṫ icas in a cinaiḋ som, in tan nar fed a ṫesargain gan coṁrac fris; ocus da fedaḋ, in cutruma ro icfaḋsoṁ a cinaiḋ hecoḋnaiġ eile, gurab eḋ icas in a cinaiḋ som.

Ceṫraiṁe for a aiti ocus for a ḃuime in talmaiḋe caċ cneiḋe ferait bera ocus sleġa, cip ocus cloċa, ruip ocus deoraid, alla ocus dremanda ocus aes biḋḃannais co fis a mbiḋḃannais air, ocus in tan nar fed a ṫesargain gan coṁraċ fris; ocus do ḟeddais a ṫesargain gan coṁrac fris, in cutruma ro ḃiaḋ uaṫiḃ i neṁċoṁed in dalta eile gurab eḋ bias uaiṫiḃ in a neṁċoṁedsun. Ceṫraiṁe na ceṫraiṁe sin ar in sellaċ ro bai aga seillceċt. Inann ocus in seiseḋ rand deg in lain; ocus ce ṫarraigar sin amuiċ, is a ic dosum, uair o ḃias lanamanda ocus duine naċ lanaṁ-

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[1] *An epileptic lunatic.*—In C. 2,895 "talmaigi" is explained, "a man who has epilepsy, or St. Paul's disease, i.e., the falling sickness."

[2] *If this occurred outside.*—Vide note, page 502.

For leaving an epileptic lunatic[1] unguarded.

That is, the person to whom orders were given to keep the epileptic lunatic for the space of one hour, *shall pay* half fine for every wound which spikes and spears, stocks and stones, and cliffs and precipices, beasts and strangers, and the hostile people of the territory, if their hostility is known, shall inflict upon him; and one-fourth of that half fine *is imposed* upon a spectator who was looking on at him. It is equal to one-eighth of the whole; this is to be paid by the person to whom orders were given to keep him, when he was not able to save him without fighting with him; and if he should be able to save him without fighting with him, then the same *fine* that would be *imposed* on him for not keeping any other non-sensible person shall be *imposed* on him for not keeping him.

If this occurred outside[2] *the territory*, he is exempt; if it did not *so* occur, it (*the fine*) is to be paid by him (*the keeper*).

If it was outside *the territory* the epileptic lunatic committed the injury, *whatever be* the proportion *of fine* which he (*the keeper*) should pay for the crime of another non-sensible person, it is half thereof he shall pay for his (*the epileptic lunatic's*) crime, when he was not able to save him without fighting with him, and if he were, he shall pay the same fine for his crime that he would pay for the crime of another non-sensible person.

A fourth *of the full fine is imposed* upon the foster-father and the foster-mother of the epileptic lunatic for every wound which spikes and spears, stocks and stones, beasts and strangers, cliffs and precipices, and hostile people, if their hostility be known, shall inflict on him, and when they (*the foster-parents*) could not save him without fighting with him; and if they could save him without fighting with him, they shall pay the same proportion *of fine* for not keeping him, as for not keeping their foster-son. A fourth of that fourth *is imposed* on the spectator who was looking on at him. It is equal to one-sixteenth part of the whole; and though this occurs outside *the territory*, it (*the fine*) is to be paid by him, for when a person with whom there is a social relation,

anda ag denaṁ fogla ris in ti is lanaṁanda, noċa naiṫfeġar ċuiḋḃis eturru, aċt caċ dib do ic a lain ar aigid buḋein.

Mas amaċ ro fogail in talmaiḋeċ, in cutruma ro icfaḋsuṁ i cinaiḋ in dalta aile, gurab he a leṫ icait ina ċinaiḋ suṁ in tan nar fed a tesargain gan coṁrac ris; ocus da feḋais a tesargain gan ċoṁrac ris, in cutruma ro icfaidis a cinaiḋ an dalta aile, gurab eḋ icait in a cinaiḋ sum.

Cid fodera co na fuil aċt leṫ fiaċ ar in duine dar herbaḋ in talmaiḋeċ do ċoiṁet re re naen uaire sund, ocus co fuil lan fiaċ ar in duine dar herbaḋ in hecoḋnaċ do ċoiṁet re re naen uaire ṫuas? Is e in faṫ fodera; ar a lasnaiġe ocus ar a aicmeile in duine sund seaċ an duine ṫuas; ocus ni cuṁaing a ṫesargain gan coṁrac ris; ocus da caemsaḋ, ro biaḋ lan fiaċ and sund, amail ata ṫuas.

Cid fodera co na fuil act ceṫraiṁe ar aiti ocus ar buime in talmaiḋe sund, ocus co fuil leṫ fiaċ ar a aiti ocus ar a buime in ecoḋnaiġ ṫuas? Is i in faṫ fodera; ar a lasnaiġe ocus ar aicmeile in duine sund seċ an duine ṫuas, ocus ni ċuiṁgend a ṫesargain gan coṁrac ris; ocus da caeṁsaḋais, ro bia lan fiaċ and sund amail ata ṫuas. No dono, co na beṫ a lasnaiġe no a eselḃaiġe no a aicbeile do aiṫfeġad do aiti na do buime itir i leṫ ris, aċt no leṫ fiaċ forrasum sund amail ata for a aiti ocus for a ḃuime in ecoḋnaiġ ṫuas, aċt ar ḋoilgi a ċoiṁeda ċena.]

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and a person with whom there is not a social relation, do an injury to one with whom there is a social relation, there is no equal participation *of liability* taken into account between them, but each shall pay his full *fine* on his own account.

If it was outside *the territory* the epileptic lunatic did the injury, *whatever be* the proportion *of fine* which they (*the foster parents*) should pay for the crime of the other foster-son, it is half thereof they would pay for his crime when they could not save him without fighting with him; but if they could save him without fighting with him, they would pay the same proportion *of fine* for his crime, as they would for the crime of the other foster-son.

What is the reason that there is but half-fine *imposed* on the person who was ordered to keep the epileptic lunatic for the space of one hour here, and that full fine is *to be paid* by the man who was ordered to keep the non-sensible person for the space of one hour above? The reason is; on account of the furiousness and dangerous nature of the person here, compared with the person above *referred to;* and he could not be saved without fighting with him; and if he could, there would be full fine due for it (*the neglect*) here, as there is above.

What is the reason that there is only one-fourth *of the fine* upon the foster-father and foster-mother of the epileptic lunatic here, and that there is half-fine upon his foster-father and his foster-mother, *i.e.*, of the non-sensible person above? The reason of it is; owing to the furiousness and dangerous nature of the person here *referred to*, compared with the person above; and they cannot save him without fighting with him; but if they could, there would be full fine *due* for *neglecting* him here, as there is *in the case* above *referred to*. Or indeed, *according to others*, his furiousness, fierceness, or dangerous nature, is not to be taken into account at all for his foster-father and foster-mother in respect to him, but half-fine would be on them here, as it is on the foster-father and foster-mother of the non-sensible person *in the case* above, and on account of the difficulty of keeping him generally.

Faill dono do caemtecṫaib cen imcomet aesa sruiṫ.

.1. Ma ro urocair in tuasal da luċt manċuine dula amach, ocus a dubairt riu airm do breiṫ leo, ocus ṫucsum arm doib; mana deċadarsum amaċ itir, no ce ra ċuatur, mana rucsat arm leo, is lan fiaċ caċa cneide ferrfit cip ocus cloċa, ocus alla ocus ruip, ocus aes bidbanais airsium imuiċ ocus tria na nembeiṫsium ina farrad dic doibsium riu, tria nembeiṫ airm acu, ce ro batur fein ann.

Ma tucustar airm doib, ocus ni dubairt riu airm do tabairt leo da coimet, leṫ fiaċ caċa cneiḋi ferrfait bera ocus sleġa, cip ocus cloċa, alla ocus dreimenna, ruip ocus aes bidbanais air dic doibsium.

Mana tucsum airm itir doib, no ce ṫuc, mana dubairt riu a tabairt leo, islan doibsium, aċt co neċat fein amaċ annsec; uair geibid greim airm dosum i leṫ re conaib iatsom, ocus amail torbaċ co narm eisium, ocus amail torbaċ cen arm iatsom; ocus cuitig airm is esbudaċ uaṫu i leṫ re conaib.

Ma ro ċuatur leis amaċ, ocus ro scarsatar ris amuiċ, a fegad in re deiṫbirius no indeiṫbirius, no re esba no re becdeiṫbirius do scaratar ris. Is leṫ fiaċ caċa fogla do gentar ris tria neimbeiṫsum na farrud dic doibsium.

Ma re deiṫbirius do ecma, islan iat; mas re indeiṫbirius, is lan fiaċ isin nesbaḋ, no isin bec deiṫbirius.

Iss eḋ is becdeiṫbirius ann, dula diarraid neiċ rancatar a leas, ocus conicfaidis a seċna. Iss eḋ is indeitbirius doib, dula diarraid in neċ na rancatur a leas.

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[1] *Little necessity.*—C. 1689 adds here, "Necessity happening to them, means to go to seek a thing required and which they could not do without."

Neglect indeed by attendants in not guarding persons of dignity.

That is, if the chief ordered his servants to go out, and told them to bring arms with them, and gave them arms; if they did not go out at all, or, though they went, if they did not bring arms with them, it is full fine they (*the servants*) shall pay for every wound which spikes and spears, stocks and stones, and cliffs and beasts, and the hostile people *of the territory* inflict upon him out-side, and through their not being with him, *or* through their not having arms, though they may be there (*in attendance*) themselves.

If he gave them arms, and did not tell them to bring arms with them to guard him, half-fine for every wound which spikes and spears, stocks and stones, cliffs and precipices, beasts and hostile people inflict upon him shall be paid by them.

If he did not give them arms at all, or though he gave *them*, unless he told them to bring them with them, they are exempt, provided that they have gone out themselves on the occasion; for it (*their presence*) has the effect of arms *as regards the fine due* to him in respect of *injuries by* dogs, and he *is regarded* as a profitable worker with a weapon, and they *are regarded* as profitable workers without weapons; and the share of weapons is wanting to them in respect of dogs.

If they went out with him, and separated from him outside, it is to be considered whether it was of necessity or without necessity, or through idleness or of little necessity they separated from him. Half-fine for every injury that is done to him through their not being with him is to be paid by them.

If it was through necessity it happened, they are exempt; if it was without necessity, they pay full fine for the *absence through* idleness, or for the little necessity.[1]

Little necessity means,[a] that they went to seek a thing of which they stood in need, but which they could have done without. Non-necessity for them means[a] that they went to seek a thing of which they did not stand in need.

[a] Ir. *Is*.

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Faill dono do feichemnaib lecud a narais do derna dar a cenn.

.1. ma do rine in feicheṁ toicheda deine toicheda ar in mbidbaid, (ocus is ed is deine toicheda ann, re airiṫi do tabairt ar na fiaċaib, ocus dul do da nacra res in re sin), ocus cindti leis nar dligteċ dul da nacra in uair sin, is cuic seoit ind ocus eneclann, ocus dilsi a fiaċ.

Ma robi a tuicsi cor dligteċ dul da nacra in uair sin, is cuic seoit uad ocus dilsi a fiaċ, ocus noco nuil eneclann.

Ma rubu cindti leis cur dligteċ, is cuic seoit uad i troscad tar dliged.

Ma do roine in feichem toicheda deine toicheda fris in trebuire, (ocus is ed is deine toicheda ann dul do dacra ar in trebuiri, resiu ro leic in bidbuid elod), ocus cindti aici nar dligteċ dul da nacra in uair sin, is cuic seoit uad ocus eneclann ocus dilsi a fiaċ do nemacra air do gres.

Ma rubu cindti leis cur dligteċ, is cuic seoit uad ocus dilsi a fiaċ, ocus noco nuil eneclann. Ma rubu cindti leis cor dligteċ, is cuic seoit uad i troscaḋ tar dligeḋ.

Ma da rine in trebuiri deine toicheda ar in mbidbuid, (is ed is deine toicheda di dul disi dacra ar in mbidbuiḋ resiu tainic in feicheṁ toicheda da acra si), ocus a cindti aici nar dlig dul da nacra in uair sin, is cuic seoit uaid ocus eneclann ocus dilsi a fiach do nemacra air do gres a dualgus a raṫachais.

Ma robi a tuicsi cor dlig dul da nacra in uair sin, is cuic seoit uad, ocus dilsi na fiaċ do nemacra disi air, ocus noco nuil eneclann.

Ma rubu cindti leis cur dligeḋ, is cuic seoit uad i troscud dar dligeḋ, ocus na feich ris i roibi dic tar a

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Neglect indeed by debtors in violating the contract which was made for them.

That is, if the plaintiff brought a suit with severity[a] against the defendant, (and a suit with severity[a] means that a certain time was given for *paying* the debts, and that he went to demand them before that time), and he is certain that it was not lawful to proceed to sue for them at that time, five 'seds' and honor-price and the forfeiture of his debt are *the penalty* for it.

If it was his belief that it was lawful to proceed to sue for it at that time, five 'seds' and the forfeiture of his debt are *due* from him, but there is no honor-price *due.*

If he was certain that it was lawful *for him to sue,* five 'seds' for fasting against law is *the penalty* from him.

If the plaintiff brought a suit with severity[a] against the surety, (and a suit with severity[a] means that he went to demand his debt of the surety before the debtor had absconded), and he was certain that it was not lawful to proceed to sue for it at that time, five 'seds' and honor-price and the forfeiture of the right of ever sueing for his debt are *due* from him.

If he was certain that it was lawful *to sue for it at that time,* five 'seds' and the forfeiture of his debt, are *due* from him; but honor-price is not *due.* *Or, according to others,* if he was certain that it was lawful, five 'seds' for fasting against law are *due* from him.

If a surety brings a suit with severity[a] against a debtor, (suit with severity[a] means that he went to sue the debtor before the creditor had come to sue himself), and he was certain that he had no right to go to demand it at that time, five 'seds' are *due* from him, and honor-price and the forfeiture of the right of ever sueing him for the debt in right of his suretyship.

If it was his belief that he was entitled to go and sue for it at that time, *the penalty due* from him is five 'seds' and the forfeiture of the right of ever sueing him for the debt, and honor-price is not *due.*

If he was certain that he was entitled *to sue for it then,* five 'seds' are *due* from him for fasting against law, but the

[a] Ir. *Severity of sueing.*

cenn re feichemain toicheda; ocus targus dligeḋ in caċ inad dibsin; uair mane tairċta, ro bad, in ti loinges nad oigi i reir do troscad, in fer ṫall ann.

Ma do ċuaid in feichem toicheda dacra ar in mbidbuiḋ ina uidi ice coir, ocus ro leic in bidbuiḋ elod, ocus robo cindti leis cor dleċt na feiċ de in uair sin, is cuic seoit uaid ocus eneclann ocus diablad fiaċ, ocus cumal seċtmaid marbad, [ocus dublad mbid, mana targus biaḋ do; C. 1681. ocus ma targus biaḋ do, ni fuil cumal seċtmaḋ marbtha, na dublad mbiḋ].

Mana targus dligeḋ, ocus caċ inad na roiċ eneclann comlan a dualgus nemtabarṫa na fiaċ, is a [f]uilliud a dualgus nemtabarṫa in bid, co roib eneclann comlan ann.

Ma robi a ṫuicsi co nar dleċt na feiċ in uair sin, is C. 1682. cuic seoit uaid, [ocus dublad na fiach], ocus seċtmad C. 1682. marbṫa, [ocus dublad mbiḋ], ocus noco nuil eneclann. Robo cindti leis co nar dleċt na feiċ in uair sin itir, is cuic seoit isin nemtincisin.

Ma do ċuaid in feicem toicheda dacra ar in trebuiri co coir ar a aiṫli sin, ocus ro leic elod, ocus cindti leis cor dleċt na feic de, .i. dic no do tobaċ, is cuic seoit uad, ocus diablaḋ fiaċ, ocus diablaḋ mbid, ocus noco nuil eneclann.

Ma rubu cindti leis co nar dleċt de in uair sin itir iat, is cuic seoit uaid ina neimtincisin.

Ma do ċuaiḋ in trebuire dacra ar in mbidbuiḋ ina uidi ice coir, ocus ro leic in bidbuiḋ eloḋ, ocus cindti leis cor dleċt na feiċ in uair sin de, is cuic seoit uaid, ocus eneclann, ocus na feiċ fris i roibi dic dar a cenn, ocus noco nuil diablaḋ fiaċ, uair noco ne cuinges.

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[1] *The man within.* This term for the most part signifies the debtor, or defendant in a suit. The term "man outside," means generally the creditor, or plaintiff in a suit.

debts for which he was *surety* are to be paid for him to the creditor; and he offered *to submit to* law in each case of these; for if he had not *so* offered, the man within[1] in this case would be *like* "the person who refuses ceding its lawful right to fasting."

If the creditor went to sue the debtor at the proper time for payment, and the debtor has absconded, and he was certain that the debts were then due of him, *the fine due* from him is five 'seds' and honor-price and double of the debts, and a 'cumhal' of one-seventh for killing, and double food, if food has not been offered to him; and if food has been offered to him, there is no 'cumhal' of one-seventh for killing, or double food.

If law has not been offered, and wherever complete honor-price does not accrue in right of the debts having been withheld, it (*the honor-price*) is to be added to in right of the food having been withheld, until it amounts to complete honor-price.

If it was his belief that the debts were not then due of him, five 'seds' are *due* from him, and double the debts, and one-seventh for killing, and double food, but honor-price is not *due*. *If* he was certain that the debts were not due of him at that time at all, it (*the fine*) is five 'seds' for not having tendered them.

If the creditor went to sue the surety rightly afterwards, and he (*the surety*) has absconded, and he was certain that the debts were due from him, i.e., *that he was bound* to pay or to levy them, five 'seds' are *due* from him, and double the debts, and double food, but honor-price is not *due*.

If he was certain that they (*the debts*) were not due of him at that time at all, *and they were nevertheless*, it (*the fine*) is five 'seds' from him for not having tendered them.

If the surety went to sue the debtor at the proper time for payment, and the debtor absconded, and he (*the debtor*) was certain that the debts were then due from him, it (*the fine*) is five 'seds' from him, and honor-price, and the debts for which he (*the surety*) had been *security* are to be paid for him, but there is no double of debts, because it is not that he seeks.

Ma robi a tuicsin co nar dlec̆t na feic̆ de in uair sin, is cuic seoit uad, ocus na feic̆ ris i roibi dic dar a cend, ocus noco nuil diablad̆ fiac̆, ocus noco nuil eneclann.

C. 1682. Ma rubu cindti leis nar dlec̆t na feic̆ de in uair sin, is cuic seoit ina neimtincisin; ocus ni targus dliged̆ don fir amuic̆ i ninad dib sin; ocus da tairgt̆a, robu in ti troisces tar tairisin riara in fer amuic̆ ann.

C. 1686. Is ann ata, teit for da leit̆ lan eiric don feichemain toicheda, in tan do c̆uaid in feichem toicheda dacra ar in mbidbuid ina uidi [ice] coir, ocus ro leic in bidbuid elod, ocus cindti leis co nar dlec̆t na feic̆ de in uair sin, ocus do c̆uaid̆ dacra ar in trebuiri ar a ait̆li sin, ocus ro leic in trebuiri elod̆; is lan eric o cec̆tar de dib don feichemain toicheda.

C. 1686. Is ann ata, teit for da leit̆ lan eiric don bidbuid, in tan do rine in feichem toiched̆a deine toicheda [air], ocus do rine in treabuiri deine toicheda air; lan eiric o cec̆tar de dib don bidbuid̆.

Is ann ata, teit for da leit̆ lan eiric don treabuiri, in tan do rine in feichem toicheda deine toicheda air, ocus do c̆uaid in trebuiri ar a ait̆li sin dacra ar in mbidbuid ina uidi ice coir, ocus ro leic in bidbuid elod, lan eiric o cec̆tarde dib don trebuiri.

Mara acra borblac̆ais do rine in feichem toicheda ar in mbidbuid̆, ocus is ed is acra borblac̆ais ann, bit̆ ac acra fiac̆ air, ocus cindti aici nar dlig ni de, is cuic seoit uad, ocus eneclann, ocus fiac̆ fo ni do nimet.

Ma robi a tuicsi cor dlig, is cuic seoit uad, ocus fiac̆ fo ní do nimet, ocus noco nuil eneclann.

Ma rubu cindti leis cor dliged̆, is cuic seoit uad i troscad dar dliged̆.

Mas acra borblac̆ais do rine in feicheṁ toicheda ar

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[1] *The man outside.* That is the creditor, or plaintiff in a suit.

[2] *Was certain.*—For 'nar' C. 1686, reads 'ro.'

If it was his belief that the debts were not then due from him, it (*the fine*) is five 'seds' from him, and the debts for which he (*the surety*) was *security* are to be paid for him, but there is no double of debts and there is no honor-price.

If he was certain that the debts were not due from him at that time, it (*the fine*) is five 'seds' for not having tendered them; and there was no offer of law to the man outside[1] in any instance of these; and if it had been offered, the man outside would then be *like* "the person who fasts after tender of his right."

It is then it is *a case of* "full 'eric'-fine goes upon both sides to the creditor," when the creditor went to sue the debtor at the proper time for payment, and the debtor absconded, and he (*the debtor*) *at the same time* was certain[2] that the debts were then due from him, and he (*the creditor*) went afterwards to sue the surety, and the surety *also* absconded; there is full 'eric'-fine *due* from each of them to the creditor.

It is then it is *a case of* "full 'eric'-fine goes on both sides to the debtor," when the creditor has brought a suit of severity against him, and the surety has brought a suit of severity against him ; full 'eric'-fine *is due* from each of them to the debtor.

It is then it is *a case of* "full 'eric'-fine goes on both sides to the surety," when the creditor brought a suit of severity against him, and the surety went after this to sue the debtor at the proper time for payment, and the debtor absconded; full 'eric'-fine *is due* from each of them to the surety.

If it was an unjust suit the creditor brought against the debtor, (and "unjust suit" means to demand a debt of him, when he (*the creditor*) was certain that nothing was due from him), five 'seds' are *due* from him and honor-price, and fine according to the length he has gone.

If it was his belief that he (*the defendant*) owed him *a debt*, five 'seds' are *due* from him, and fine according to the length he has proceeded, but there is no honor-price.

If he was certain that he (*the defendant*) owed it, five 'seds' are *due* from him for fasting beyond law.

If it was an unjust suit the plaintiff brought against the

in trebuiri, ocus isead is acra borblaċais ann biṫ do ac acra trebuireċta air ocus cindti aici na deċaid re laim̃, is cuic seoit uaid ocus eneclann, ocus fiaċ fo ni do nimet.

Ma robi a tuicsi co raibi, is cuic seoit uad, ocus fiaċ fo ní do nimet, ocus ní uil eneclann.

Ma rubu cindti leis co roibi, is cuic seoit uad a troscud tar dligeḋ.

Mara acra borblaċais do rine in trebuiri ar in mbidbuiḋ, ocus is ed is acra borblaċais ann biṫ do ac acra trebuire air, ocus a cindti aici na deċaid air, is cuic seoit uad, ocus eneclann, ocus ni uil fiach fo ní do nimet.

Ma robi a tuicsi cor dliġ, is cuic seoit uad, ocus ni uil eneclann, ocus ni uil fiaċ fo ni do nimet.

Ma rubu cindti leis cu raibi air, is cuic seoit uad i troscad tar dligeḋ.

Targus dliged in cach inad dib; uair maine tairċta, ro bad a da nindliged aiġiḋ i naiġiḋ.

Muilliud con.

.i. mara codnaċ do rine in inmuilled, islan cu and, ocus fiaċ fo aicned a faṫa ar in codnaċ, ocus is e in fiaċ sin; lan fiach ina inmuilliud fo crod indilsid i riċt cruid indilsig; leṫ fiaċ ina inmuilliud fo crod indilsig i riċt cruid dilsig; aiṫgin ina inmuilliud fo crod neich aile i riċt a cruid bodein; ocus mara in aile ro gabustus, islan fer in inmuillti, ocus eiric fo biṫbinċi for in coin .i. leṫ fiaċ fo biṫbinċe for in coin, ocus scuirid meraċt a hinmuillti in leṫ aile de.

Mara gabaltaid in cu, ocus ro deiliged fiad do, ocus

surety *in the case,* (and unjust suit in the case means to sue him as having gone security when he (*the defendant*) is certain that he did not go security *for him*), five 'seds' are *due* from him and honor-price, and fine according to the length he has proceeded.

If it was his belief that he (*the defendant*) was *his surety,* five 'seds' are *due* from him, and fine according to the extent he has proceeded, but honor-price is not *due.*

If he was certain that he (*the defendant*) was *his surety,* five 'seds' are *due* from him for fasting beyond law.

If it was an unjust suit the surety brought against the defendant, (and unjust suit means his seeking securityship of him though he was certain he had not gone *security* for him), five 'seds' are *due* from him, and honor-price, but there is not a fine according to the extent he has proceeded.

If it was his belief that he was entitled *so to sue him,* five 'seds' are *due,* but honor-price is not *due,* and there is not a fine according to the extent to which he has proceeded.

If he was certain that he (*the defendant*) was his security, it (*the fine*) is five 'seds' for fasting beyond law.

Law was offered in each case of these; for if it had not been offered, there would be two illegalities face to face.

Setting on a dog.

That is, if it is a sensible adult that incited it, the dog is exempt in the case, and *there is* a fine according to the nature of the motive upon the sensible adult, and these are the fines;[a] full fine for inciting it in pursuit[b] of cattle which he had no right to pursue, knowing them to be such;[c] half-fine for inciting it in pursuit of cattle which he had no right to pursue, thinking that he had the right;[d] compensation for inciting it in pursuit of the cattle of another person thinking them his own; *but if he incited it in pursuit of his own cattle,* and if it (*the dog*) has seized *the cattle of* another, the man who has incited it *in the pursuit* is exempt, and 'eric'-fine according to its viciousness *is imposed* upon the dog, i.e., half-fine according to its wickedness *is imposed* upon the dog, and the excitement of its being set on takes the other half off it.

If the dog be a hunter, and a deer was singled out for it,

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[a] Ir. *This is the fine.*

[b] Ir. *after.*

[c] Ir. *Cattle of an unlawful person, in the shape of cattle of an unlawful person.*

[d] Ir. *Cattle of an unlawful person in the shape of cattle of a lawful person.*

is e in fiad ro deiliged do ro gab, islan in cu ann, ocus fiac̃ fo aicned̃ a fat̃a ar in codnach.

Mara gabaltaid in cu, ocus ro deilig̃ed ni do, ocus ni he in ní ro deiligid do ro gab, islan fer inmuillti ann,
C. 1697. ocus lan fiac̃ fo aicned̃ a bit̃binc̃i ar in coin, [.i. let̃ fiac̃ fo a bit̃binci ar in coin, ocus scuirid merrac̃t a hinmuilte in let̃ eile di.]

C. 1697. Mara gabaltaid in cu, ocus nir deiliged ni do, [no] mara c̃u nac̃ gabaltaid hi, ce ra deiliged cen cor deiliged ni di,
C. 1697. islan in cu ann; [ocus] fiac̃ fo aicned̃ a fat̃a ar in codnac̃. Ocus is e in fiach isin; lan fiac̃ ina inmuilled̃ fo crod indilsig i ric̃t cruid indilsig, no fo crod indilsig ina ric̃t bodein, no fó crod indilsig ocus crod indilsig aile ro gaburtar; let̃ fiac̃ ina muilliud fo crod indilsig i ric̃t cruid dilsig, no fo crod dilsig ocus crod indilsig ro gaburtar. Aithgin ina ninmuilled̃ fo crod neic̃ aili i ric̃t a cruid fein, no fo crod fein ocus crod neich aile ro gabartar.

C. 2515, &c. [Mara mac a nais ica let̃ dire do rinne in tinmuilled, cet̃raime dire ocus ot̃rus comlan gu bas a torbac̃ gin comgni; ocus ma ta comgni, is cet̃raime dire ocus let̃ ot̃rus.

Ceit̃ri sectmad ot̃ruis gu bas a nearrac̃ gin comgnim, ocus ma ta comgnim, is da sect̃mad̃ cet̃raime dire re

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[1] *For injuring an idler.* The Irish for this paragraph is printed as it was transcribed and lengthened out by Professor O'Curry.

[2] *If there is no participation*: i.e., if the idler had no share in the act.

and it was the deer which was singled out for it that it caught, the dog is exempt, and *there is* a fine according to the nature of the motive upon the sensible adult *who set it on.*

If the dog be a hunter, and a *particular* thing (*animal*) was singled out for it *to pursue,* and it was not the thing that was singled out for it it caught, the man who set it on is exempt, and a full fine according to the nature of its wickedness *is imposed* upon the dog, i.e., half-fine for its wickedness on the dog, and the excitement of its being set on takes the other half off it.

If the dog be a hunter, and no *particular* thing was singled out for it, or if it be a dog which is not a hunter, whether anything (*animal*) was or was not singled out for it, the dog is then exempt; and *there is* a fine according to the nature of the motive upon the sensible adult. And these are the fines: full fine for inciting it in pursuit of cattle which he had no right to pursue, knowing them to be such,[a] or in the pursuit of cattle which he had no right to pursue, as such,[b] or at cattle which he had no right to pursue, and it was other cattle which he had no right to pursue it has taken; half-fine *is imposed* for setting it in pursuit of cattle which he had no right to pursue, thinking that he had the right, or in the pursuit of cattle which he had a right to pursue, if it was cattle which he had no right to pursue, it (*the dog*) seized. Compensation *is to be made* for setting it at the cattle of another person, thinking them his own cattle, or at his own cattle, if it was the cattle of another person it has seized.

If it was a youth at the age of paying half 'dire'-fine that caused the incitement, a fourth of 'dire'-fine and complete sick-maintenance until death, *is the fine* for *injuring* a profitable worker, if there is no participation;[c] but if there is participation, it (*the fine*) is one-fourth of 'dire'-fine and half sick-maintenance.

Four-sevenths of sick-maintenance until death *are paid* for *injuring* an idler,[1] if there is no participation,[2] and if there is participation, it is two-sevenths of 'dire'-fine, with com-

[a] Ir. *Cattle of an unlawful person in the shape of cattle of an unlawful person.*

[b] Ir. *In their own shape.*

[c] Ir. *Without participation.*

taeḃ aiṫġini a ceċtar de diḃ, ciḋ a torraċ cid a nesraċ, gin comgnim; ocus ma tá comgnim, is ceṫraime dire ocus leṫ aiṫġin.

Masa mac a nais ica aithgina do rinne in inmuilled, da seċtmad oċrusa gu bas a torraċ gin comgniṁ; ocus ma ta comgniṁ, is seċtmaḋ seċtmaid oċrusa gu bas a neassaċ gin comgnim; ocus ma ta comgnim is in ceṫrama rann deg ceṫri seċtmad aithgina iar mbas a cechtar ḋe, ciḋ a torraċ ciḋ a nesraċ, gin comgnim; ocus ma ta comgnim, is da seċtmaḋ.

Ca cina a roich lan faṫa na mac gu oċrus no aiṫgin, ciḋ im cuaille ciḋ im inmuilled, con scuire cu no cuaille leṫ in láin sin diḃ, ocus ní moaite for coin na for cuaille, aċt a leṫ aithgin fein a torraċ, ocus cethraime a nesraċ?

Gaibe greim leṫ aithgin in cu ced cintach ag mac a nais ica leṫ dire, ciḋ a leṫ re robu ciḋ a leṫ re dáine; ocus ni gaḃ ciḋ fiu gin gur fiu; ocus ni gaḃ ag mac a nais ica aithgina, aċt a leṫ re robu nama. Ocus is ar faicsi in dar mic do lan coḋnaċa fodera sin, cona slan cu uile.

No is ann geiḃis greim a leṫ fri duine, in tan is fiu leṫ aithgin, ocus ni he ro gab intí, giḋ dliġas a gabail, a leṫ aithgin. No gaibe greim leṫ aithgina ciḋ a leṫ re daine, ag mac a nais ica leṫ dire; ocus ni gaḃ ag mac a nais ica aiṫgina, aċt a leṫ re robaib nama, amail na beiṫ cin inmuillid; oir neasa do lan coḋnaċ in lan icas mac a

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[1] *For an idler without participation.* There is evidently a defect in the MS. here

pensation for either of them *that is due*, whether for *injuring* a profitable worker or an idler who had no share in the deed;[a] but if there is participation, it is one-fourth of 'dire'-fine *that shall be paid*, and half compensation.

If it was a youth at the age of paying compensation that caused the incitement, *he shall pay* two-sevenths of sick maintenance till death for a profitable worker without participation; and if there is participation, it is one-seventh of the seventh of sick-maintenance till death; for an idler without participation,[1] *** and if there is participation; *** it is the one-fourteenth part of four-sevenths of compensation after death for either of them, whether for a profitable worker or an idler, without participation; and if there be participation, it (*the fine*) is two sevenths.

In what crimes wherein the full fine for motive, of the youths, extends to sick maintenance or compensation, whether respecting a stake or respecting the incitement of a dog, does the dog or the stake take off the half of that full *liability* from them, and there is not more *imposed* upon the dog or upon the stake, than its own half compensation for a profitable worker, and one-fourth for an idler?

The dog of first crime gives a claim[b] for half compensation *when* with a youth at the age of paying half 'dire'-fine, whether with respect to beasts or with respect to persons; and it does not *give a claim*, whether it is worth it (*half compensation*) or not; and it does not give *a claim when* with a youth at the age of paying compensation, except with respect to beasts only. And the reason of this is, that the second youth was seen by fully sensible adults, so that the dog is fully exempt.

Or, *according to others*, it is then it gives a claim with respect to a person, when it is worth half compensation, and half compensation was not accepted, though he ought to accept it. Or, *according to others*, it (*the dog*) gives the claim of half compensation even with respect to a person, *when it is* with a youth at the age of paying half 'dire'-fine; but it gives it not, when with a youth at the age of paying compensation, except with respect to beasts only, as if it had not been incited; for the full *fine* which a youth pays at the

[a] Ir. *Without participation.*

[b] Ir. *Takes effect.*

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nais ica leṫ dire na in lan ícus mac anais ica aiṫgina, oir gaċ coḋniaḋtui a mbia fer inmuillid is dliṫiḋe cu, ocus gaċ egcoḋniatai a ambia fer inmuillid is indliṫide cu.

Ciḋ be egcoḋnaċ uile ro inmuilled in coin gaḃaltai, ocus reis sin fein ro foḃlaḋ, is fiach fo aicne faṫa ar in egoḋnaċ, aċt ni beris cu ḋe .i. leṫ aithgin for coin i torbaċ ocus a rob, ocus ceaṫraime oṫrusa no aiṫgina a neasbaċ.

Munab risin ro foġlaiḋ in cú, islan na mic ann, ocus leṫ fiach fo biṫbinchi for in coin; ocus sguire merraċt inmuilliḋ leṫ aile di.

Munar turbrostad na mic do itir, is leṫ aithgin for coin annsin a torbaċ ocus a ros, ocus ceṫraime aiṫgina no oṫruis i neasraċ; ocus fiaċ a faṫa for na macaib o tsin amaċ.

Gaḃaltaiġ sin uile, ciḋ ag coḋnaċ cid ag écoḋnaċ.

Slan imorro, in cu naċ gaḃaltaiġi ag coḋnaċ, cia ro hearbaḋ gin gur hearbaḋ, ocus fiach a fatha o tsin amach for coḋnaċ. No dno, cid be ecoḋnaċ uile ro inmuilles in cu naċ gaḃaltaiġi, cia ro herbad cin gur herbaḋ, is leṫ aiṫgin for coin annsin i torbaċ ocus a rob, ocus ceithrime aithgina no othruis i nesraċ; ocus fiaċ a faṫa o tsin amaċ fors an esraċ.

Ocus gaċ cin is comraite ag na macaib, in ceṫraime naċ ícfa cú no cuaille ime is for mic tet, ocus ni tét is na foġlaib eitg[ed] aile, aċt a dul re lar.

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[1] *Upon the non-sensible person.* The Irish here is 'an esraċ,' 'the idler,' the sense however seems to require 'an ecodnaċ' 'the non-sensible person.'

age of paying half 'dire'-fine is nearer to the full *fine* of a sensible adult than the full *fine* which the youth at the age of paying compensation pays, for the more sensible the inciter is the more lawful the dog, and the less sensible the inciter is the more unlawful the dog.

Whatever non-sensible person incited the dog of chase, and it committed trespass against that very person, there is a fine according to the motive upon the non-sensible person, except the part of it which the dog bears i.e., half compensation *is paid* by *the owner of* the dog for *injury to* a profitable worker or a beast, and one-fourth of sick-maintenance or of compensation for *injury to* an idler.

If it was not against him the dog committed the trespass, the youth[a] is exempt in the case, and half fine according to its viciousness *is imposed* upon the dog; and the excitement of being set on takes the other half off it.

If the youths did not incite it (*the dog of chase*) at all, it is half compensation *that shall be due* from the *owner of the* dog in that case for *injury to* a profitable worker and a beast, and one-fourth of compensation or of sick-maintenance for *injury to* an idler; and a fine according to the motive *is imposed* upon the youths from that out.

These are all dogs of chase, whether *they be* with a sensible adult or with a non-sensible person.

But the hound which is not a dog of chase is exempt *when* with a sensible adult, whether it was ordered or not ordered, and a fine according to his motive *is imposed* upon the sensible adult from that out. Or else, *according to others*, whatever non-sensible person incites the hound that is not a dog of chase, whether it was ordered or not ordered, it is half compensation *that shall be paid* by the *owner of the* dog in that case for a profitable worker and a beast, and one-fourth of compensation or of sick maintenance for an idler; and a fine according to his motive *is imposed* upon the non-sensible person[1] from that out.

And *in* every intentional crime on the part of the youths, the fourth which the *owner of the* dog or *of* the stake would pay falls upon the youths; and it does not fall *upon them* in the other 'eitgedh'-trespasses, but falls to the ground.

[a] Ir. *Youths.*

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Mas gabaltaige in cu, ocus ro deiliǧi do, ocus ro gabustair, islan cu ann, ocus fiač a faťa ar in codnač.

Mas ar daigin marbťa is lan fiač. Mas ar daigin essa, is leť fiac. Mas ar daiǧin marbťa mil sunnraǧaig, is amail indeťbir torba um aithgin.

Masa gabaltach in cu, ocus ro deileǧ do, ocus ní he ro gab̌ustair, islan in codnač ann, ocus fiač fo biťbinci ar in coin, ocus sguire messačt a hinmuillid leť muilti dí.

Masa gabaltaiǧ an cú, ocus nir deileǧ do, no ce ro deileǧ, manab ccabaltaiǧ an cu, islan cu ann, ocus fiach faťa ar an coďnač.

A haitinnit fir na con rug nech aile an cu lais do marbad mairt do croď an fir beris.

Mas inmuilled comraiti an codnaiǧ, lan ndire na cneiďe re taob̌ otrusa go bas, ciď a torbač ciď a nessač ciď a rob; ocus lan coirrdire re taob̌ aithgina is na daine, iar mbas; ocus lan` ndire is na seotaib iar mbas, ocus aithgin.

Mas inmuilled essa an coďnaiǧ, othrus čomlan go bas a nessač, ocus leť dire na cneiďe; ocus oťrus comlan a torbač ocus a rob, ocus leť coirrdire iar mbas, ciď a torbač ciď a nessač, la taeb̌ aithgina; ocus leť dire la haiťgin iar mbas is na setaib.

Mas inmuilled innndeťbir torba an coďnaiǧ, oťrus

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[1] *The man who brings it.*—The MS. is defective here.

If the hound is a dog of chase, and it (*the prey*) was singled out for it, and it seized *the prey*, the dog is exempt in the case, and a fine according to his motive *is imposed* on the sensible adult.

If it was for the purpose of killing *he incited the dog*, it (*the penalty*) is full fine. If it was for the purpose of sport, it (*the penalty*) is half fine. If it was for the purpose of killing a particular animal, it is like a case of unnecessary profit with respect to compensation.

If the hound is a dog of chase, and it (*an animal*) was singled out for it, and it was not it (*that particular animal*) seized, the sensible adult is exempt in the case, and a fine according to its viciousness *is imposed* upon the hound, and the excitement of its being set on takes one-half off it.

If the hound is a dog of chase, and it (*the particular animal*) was not singled out for it, or even if it was singled out, unless the hound is a dog of chase, the hound is exempt in the case, and a fine according to his motive *is imposed* upon the sensible adult.

With the knowledge of the owner of the hound another brought the hound with him to kill a beef of the cattle of the man who brings it [1] . . . . . .

If it was an intentional incitement by[a] the sensible adult, *he shall pay* full 'dire'-fine for the wound *inflicted* besides sick-maintenance till death, whether for a profitable worker or an idler or a beast; and full body-fine besides compensation for persons, after death; and full 'dire'-fine and compensation for the 'seds' after death.

If it was an incitement through idleness (*sport*) *on the part* of the sensible adult, *he shall pay* full sick maintenance till death for *injury to* an idler, and half 'dire'-fine for the wound *inflicted*; and complete sick-maintenance for a profitable worker and a beast, and half body-fine after death, whether for *injury to* a profitable worker or an idler, besides compensation; and half 'dire'-fine with compensation after death for the 'seds.'

If it was an incitement for unnecessary profit *that was made* by[a] the sensible adult, *the penalty is* complete sick-

[a] Ir. *Of.*

comlan a torbač ocus a rob, ocus leť oťrus a nessač. Go bas sin, ocus na ranna cedna daithgin iar mbas.

Gač baile islan cu ag coďnač atait feich fair ag egcodnač, gač baile atait feich fair ag coďnač atait na feič cedna fair ag égcoďnach, no feich is mo anas.]

Corc da fiad.

.1. mara codnač do rine in corc do fiad tria comraiti, ocus cindti co tairistea he, is aithgin ann ocus diablaď ocus eneclann. Mara čunntabairt i tairistea no na tairestea, is leť aithgin ocus leť diablaď ocus leť eneclann. Mara cindti co na tairistea, islan a čorc.

Mas tria esba, ocus cindti co tairista, is aithgin ocus leť diablaď. Mara cunntabairt i tairista no na tairista, is leť aithgin ocus cethruimti diablaď. Mara cindti co na tairista, islan a čorc.

Mas tria indeičbire torba, ocus cindti co tairista, is aithgin. Mara cunntabairt in tairista no na tairista, is leť aiťgin. Mara cindti co na tairista, islan a čorc.

Mara mac in aes ica leť dire do rine in corc do fiad tre comraiti, ocus cindti co tairistea he, is aithgin ann, ocus leť diablad, ocus leť eneclann. Mara cunntabairt, is leť aithgin, ocus cethruimťi eneclainne, ocus ceť-

maintenance till death for *injury to* a profitable worker and a beast, and half sick-maintenance for *injury to* an idler. This *is* until death *ensues*, and the same divisions of compensation *are made* after death.

Wherever a hound is exempt *when* with a sensible adult, it is subject to fines[a] *when* with a non-sensible person; *and* wherever it is subject to fines[a] *when* with a sensible adult, it is subject to the same fines *when* with a non-sensible adult, or to greater fines than they.

[a] Ir. *Fines are upon it.*

To check it from its deer.

That is, if it be a sensible adult that intentionally checked it (*the dog*) from a deer, and it was certain that it (*the deer*) would have been caught, it is compensation and double and honor-price *he has to pay* for it. If it be doubtful whether it would have been caught or not, it is half compensation and half double and half honor-price *he has to pay* for it. If it be certain that it would not have been caught, it is safe to check it.

If it was through idleness *he checked the dog*, and it was certain that it (*the deer*) would have been caught, it is compensation and half double *he has to pay*. If it were doubtful whether it would have been caught or not, it (*the penalty*) is half compensation, and one quarter of double. If it be certain that it would not have been caught, it is safe to check it.

If it was for unnecessary profit *he checked the dog*, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is half compensation. If it be certain that it would not have been caught, it is safe to check it.

If it was a youth at the age of paying half 'dire'-fine that caused the check to *the pursuit of* a deer intentionally, and it was certain that it would have been caught, it (*the penalty*) is compensation, and half double, and half honor-price. If it were doubtful *whether the deer would have been caught*, it (*the penalty*) is half compensation, and one-fourth of honor-price, and one-fourth of double. If it be certain that it

ruimṫi diablaḋ. Masa cindti cona tairistea, islan a ċosc.

Mas tre indeiṫbire torba, ocus cindti co tairistea, is teora ceṫruimṫi aithġina ind. Masa cunntabairt i tairista no na tairistea he, is ceṫruimṫi ocus oċtmad. Masa cindti co na tairista, islan a ċosc.

Masa mac i naes ica aithgina do rine in cosc do fiad tria comraiti, is aithgin ocus cindti co tairista. Masa cunntabairt i tairista no na tairista, is leṫ aithgin.

Mas tria esba, ocus cindti co tairista, is ceiṫeora ceṫruimṫi aithgina ann. Masa cunntabairt i tairista no na tairista, is cethruimṫi ocus oċtmaḋ ann. Masa cindti co na tairista he, islan a ċosc.

Mas tria indeiṫbire torba, ocus cindti co tarista he, is leṫ aithgin ann. Masa cunntabairt i tairistea no na tairistea, is cethruimṫi aithgina ann. Masa cindti co na tairista, islan a ċosc.

Cid fodera dibdud ar in naithgin ro itir, ocus re ca raḋ is in inad aile: ní dibdai aithgin o biar rand
C 1702. do dire [ina comiteċt]? Is e faṫ fodera; aithgin
C. 1702. iséin ro bai ic duine [feċt aile] co cindti, ocus imar dibad a lam; ocus coir cen co beiṫ dibdud ar in naithgin o ra icfaiter urrannus do dire ris. Sunn imurro, cia cruṫaigter in aithgin ro do biṫ ac duine, nocon fes dairiṫi i mbiad aicci hi, no na biad, ocus

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[1] *Three-fourths.*—The MS. has "ceiṫeora, four;" which is plainly a mistake for "teora, three."

would not have been caught, it is safe to check it (*the hound*).

If it was for unnecessary profit, and it was certain it (the *deer*) would have been caught, it (the *penalty*) is three-fourths of compensation in the case. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is one-fourth and one-eighth. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

If it was a youth at the age of paying compensation, that intentionally caused the check to *the pursuit of* a deer, and it was certain that it would have been caught, it (*the penalty*) is compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is half compensation.

If it was through idleness, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is three-fourths[1] of compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is one-fourth and one-eighth. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

If it was for unnecessary profit *the check was caused*, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is half compensation for it. If it were doubtful whether it would have been caught or would not have been caught, it is one-fourth compensation *he pays* for it. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

What is the reason *that there is* diminution of this compensation at all, and that it is said in the other place: "compensation is not lessened when there is any portion of 'dire'-fine accompanying it"? The reason is; the compensation in that case relates to a thing which a person undoubtedly possessed[a] at another time, and of which his hand had been emptied; and it is right that there should be no diminution of the compensation after a portion of the 'dire'-fine has been paid him. Here, however, though it is established that a person should have this compensation *for the deer, yet* it is not known for

[a] Ir. *That was a compensation which a person had.*

coir ce na bet̃ dibdud uirre; ocus is as gabair a dibdud, cac̃ cunntabairt fiada[ig̃] tria comraiti coisctir, a diri is aithgin do comrainn fo cosmail.

C. 1694. Cuirm lium; [lemnacht la cat].

.i. mas fir na neic̃ib indises lebar ro cait̃ iat, ocus ní ra senait, islan do can ní uad ac̃t aithgin.

Mas fir na neic̃ib indisear leab̃ar ro cait̃it iat, ocus ro sennustar, no mas re neic̃ib aile nac̃ indisenn lebar, ce ro sennustar, cen cor sennustar, is lan fiac̃ gaiti dic and.

Grainde luid lat a Luġaiḋ.

.i. na huile cenn ocus coibdelac̃ ro bi i fiadnaise na mna ac á breit̃ daen fir fo c̃aill, no ar eoc̃ i mac̃airi, no i luing no net̃ar for uisci, is astait̃i orro o t̃a re ceit̃ri nuairi fichit imach, ocus nocon fuil eneclann dic riu.

Cach oen dib na raibi ar áird noco nastait̃i orro no co rabat re re ndechmaide i naititin, ocus eneclann dic riu; no dono, o ra biad oen no deda dib i naititin ineoc̃ dama dir in turnaidm do denum, com astait̃i orru uile o t̃a ceit̃ri uaire fichit imach; uair is aenach cuirmt̃ec̃ comaititin hi, ocus geibid greim urnadma o bias i naititiud.

Athliġib.

.i. in nuillig̃u; ac̃t ma t̃angatar na cneda ris re re niubaille, ocus ni mo in cned deidinac̃ ina in cet cned̃, slan
C. 1695. ac̃t biad ocus liaig̃ [o fir fertana na cneidi], ocus leiges
deolaig̃ o liaig̃.

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[1] *Beer with me; new-milk with a cat.*—C. 1694 adds an explanation of these clauses, which would seem to belong to the next article. The words are said to

certain whether he could have *caught* it or not, and it is right that there should be a diminution of it *according to the probability of his not having caught it;* and its diminution is inferred from, "*In* every doubtful chase checked by design, its 'dire'-fine and its compensation are to be similarly divided."

Beer with me; new-milk with a cat.[1]

That is, if it was for the things which the book mentions he consumed them, and *if* he did not deny it, he is exempt from *paying* anything except compensation.

If it was for the things which the book mentions they were consumed, and *if* he denied it, or if it was for other things which the book does not mention, whether he denied it or did not deny it, full fine for theft is to be paid in the case.

Grainne eloped with thee, O Lughaidh.

That is, every chief and relative who was present when the woman was taken by a[a] man into a wood, or *with him* upon a horse in a plain, or in a ship or in a boat upon the water, is held to have consented[b] *unless he objects* within twenty-four hours, and honor-price is not to be paid them, *unless they object.*

Every one of them who was not present is not held to have consented until he[c] has been cognizant of it for the space of ten days, and honor-price is to be paid to them; or indeed, *according to others,* when one or two of them who are competent to make the contract *of marriage* are cognizant of it, it is binding on them all from twenty-four hours out; for, it is *a case of* "an alehouse *or* a fair are an acknowledgment," and it (*their consent*) has the effect of a contract when they are cognizant of it.

Consequences.

That is, the bleeding; but if the wounds broke out afresh[d] during the testing-time, and the last wound is not greater than the first wound, the man who inflicted the wound is exempt, but *he must supply* food and a physician, and the cure *must be* gratis by the physician.

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[a] Ir. *One.*

[b] Ir. *It is binding on them.*

[c] Ir. *They.*

[d] Ir. *Came against him.*

have been spoken by Cormac Ua Cuinn to Lughaidh, son of the King of Connaught, or according to others, by Cairbre Lipheachair, son of Cormac, when defending his foster-brother.

Masa mo in̄ cned deidinač ina cet cned, fuilled re coirrdire na cet cneidi co roib coirrdiri na cneidi deidenče ann; ocus fuilled re log očrusa na cet cneidi co roib log očrusa na cneide deidenče ann; ocus fuilled loigidečta do liaig. Tre fuirired aicbeili na cneide bunaid, na cneiḋe reimtečtaiġi, tainic sis ann sin iat, ocus ni tre fuirered dročleiġis co fis no can fis do liaig. Mas tre fuirired dročleigis co fis do liaig, noca nuil re niubaile dačfegad ris, ačt a ic do liaig do gres, amail ro ferad o laim [budéin]. C. 1696.

Mas tre fuirired dročleigis cen fis do liaig, ačt mas re re niubaile tancatar ris iat, is eiric dic do liaig ann fo aicneḋ midaig tečta no etečta, co trebuiri no cen trebuiri; mas iar re niubaile, islan.

Bid bliadain.

Fo tri,
Fri tren derosc cind;
Con toisci disunn
Trachtad berla bind;
Oen and fri derosc laime,
Do na bi iarrais,
Asberar fri derosc coisi
Treimsi fri bliadain.

Nae mis fri derosc in čuirp olčena; ocus in tainmraindi dimarcraid ata do derosc cind no coisi in duine seč derosc in cuirp olčena, corab e in tainmraindi sin dimarcraid bes de derosc cind no coisi in ruib seč derosc a cuirp olcena.

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[1] *For the full testing of the head.*—This seems to mean, that if the skull has been fractured. it will take three years to test whether the physician has made a good cure of it or not.

If the wound be greater than it had been at first,[a] addition is to be made to the body-fine for the first wound till it amounts to the body-fine of the last wound; and addition is to be made to the allowance for the sick-maintenance of the first wound till it amounts to the sick-maintenance of the second wound; and an additional fee *is to be given* to the physician. It was in consequence of the dangerous nature of the original wound, the previous wound, that it broke out afresh[b] in this case, and it was not in consequence of bad curing, with the knowledge or without the knowledge of the physician. *But* if it had been in consequence of bad curing, with the knowledge of the physician, there is no testing time to be taken into consideration, but it (*the penalty*) is always to be paid by the physician, just as if he had inflicted it (*the wound*) with his own hand.

If it was in consequence of bad curing, without the knowledge of the physician, and if it was within the testing-time they (*the wounds*) broke out afresh[b], 'eric'-fine is to be paid by the physician according to his character of lawful or unlawful physician, whether he has taken security or not[c]; if it be after testing-time, he is exempt.

There is a year.

There is a year thrice,
For the full testing of the head ;[1]
As teaches concerning it[2]
A tract of the sweet Berla-*speech* ;
One *year* for the testing of the hand,
After which there is no demand ;
There is said *to be* for the testing of the leg,
A short period along with a year.

Nine months *is the time* for testing the body generally; and the proportion in which the testing-time for the head or for the leg of a human being exceeds the testing-time for his body generally, is the proportion in which the testing-time for the head or for the leg of an animal exceeds the testing time for its body generally.

[a] Ir. *If the last wound be greater than the first wound.*

[b] Ir. *Came against him.*

[c] Ir. *With security or without security.*

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[2] ***As it is taught concerning it.***—For "con ꞇoıꞅcı ꝺıꞅunn" of the text, C. 1696 has "conoıꞅcꞃı ꝺo ꞅunn;" for ꞇꞃachꞇaꝺ," "ꞇꞃaċꞇaıꝺ;" for "ıaꞃꞃaıᵹ, "ıaꞃaıꞃ;" and for "aꞅbeꞃaꞃ," "aꞅbeꞃ."

Cia roiċ eneclann?

.i. Caidi in eneclann ro indraigter is na cnedaib?

Slic̃t eitged̃ airligter:
Aithgin indraic oc̃rus.
Tuirim crip coicertad,
Cia dlig duine duil
Di cac̃ fogail indeit̃bire
Ro fec̃ar fris.
Teora eirci airleter;
Aithgin og̃ ina nagar,
Sceo coir coirpdire comindraic;
Ocus enec̃log,
Iar slec̃taib saer sernar,
Ind in araill;
Eiranar ina banbeim brig;
Brigter airer erenar
I cnocbeim col.
Conid aen indraig cac̃ glas
Gnodaig gairg.
Co cet̃ramt̃ain eneclainni
Fert̃air fola tre feirg;
Fiac̃aib triun taisilbiter
Cac̃ nindraig̃ ag̃.
Ailid oc̃rus iardaig̃i;
Eneclann co let̃
In cac̃ crolig̃i cuaird;
Conid coir coirpdire
Concertar cac̃ nae.
Oll sceo eiric aithgina
Ni diupanar de;
Muna derntar dinac̃
Dime deit̃biri;
Ac̃t nac̃ trois tuargabat
Cen trocaire ti.

Sliċt eitgeḋ airligter .i. eraluaiter airneis na eirci do berar isin cinaid.

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[1] *The kinds of 'eitgedh'-crime are enumerated.*—These fragments, which follow consecutively in the MS., without distinction in the writing as to text or gloss, have been arranged here in a sort of metrical order, as they appear to the editors to have

Who gets honor-price?

That is, what is the honor-price that is sought for the wounds?

The kinds of 'eitgedh'-crime are enumerated:[1]
Sick-maintenance is a worthy compensation.
Repeat quickly the right rule,
As to what a person is entitled to
For every unlawful[a] injury
That is on him inflicted.
Three 'eric'-fines are counselled;
There is paid full compensation,
And fair honest body-fine;
And honor-price is paid,
After noble examples,
One end to another;
Just payment for the white blow;
Just 'airer'-fine is exacted
For the foul lump-blow.
So it is one that sues for every
Green fierce wound.
At a fourth of honor-price *is valued*
All blood shed through anger;
Fines of one-third are incurred
For each tent-needing wound.
Sick-maintenance involves after fines;
Honor-price and a half
For each maim which refesters;
So that it is proper body-fine
That is adjudged for every one.
The great 'eric'-fine and that for compensation,
Are not to be avoided;
If defence be not made for one
Whom necessity protects;
So as they have not taken up wretches
To whom no mercy is due.

The kinds of 'eitgedh'-crime are enumerated, i.e., the 'eric'-fines that are paid for the offence are enumerated.

[a] Ir. *Unnecessary.*

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formed portions of an ancient poem embodying law maxims. If this view be correct, they furnish incidental evidence of the great antiquity of parts at least of the text of the Book of Aicill.

Aithgin indraic oṫrus .i. is indraic lium in toṫrus do denum o bus cned, in baile na dlegar aċt aithgin isin indeiṫbire torba.

Tuirim cris coicertad, cia dlig duine duil di caċ fogail indeiṫbire fo fecar fris, .i. airneidrium co luaṫ iar coir na aḋa cirti fil acut, cid dliges in duil in duine dic aċ[t]fogail fuaċtnaigter ris.

Teora eirci airliter; aithgin oġ ina nagar, sceo coir coirpdiri comindraic, .i. eraluaiter in treidi seo is in neiric, biad ocus liaiġ ocus fer mama mod; ocus airgiter comlaintius na aithgina ann sceo recura, ocus in coirpdiri dlegar ann co comindraic do reir coir.

Ocus eneċlog, iar sleċtaib saer sernar, .i. loġ eneċ do fo indrucus iar nairneis in tair ro sraṫnaiged air.

Ind in araill, .i. ind eirci i nind fogla.

Eiranar ina banbeim brig, .i. firenaigter co neirniter ind eneclainni isin mban ḃeim.

Brigter airer erenar i cnocbeim col, .i. firenaigter airer ar seċtmad neneclainni dfiranugad isin cnocbeim is indligteċ dfertain ar neċ.

Conid aen indsraig caċ glas gnodaig gairg, .i. is cain conad inand fodail eneclainni indsraigter in caċ gnougaḋ, no ciḋ in caċ fogail do niter tre feirg.

Co ceṫramṫain eneclainni ferṫair fola tre feirg. .i. co ceṫramṫain eneclainni is a fuil fertair tre faid feirgi ar neċ.

Fiaċaib triun tairilbiter caċ nindraiġ aġ, .i. is e fiaċ tairilbiter isin aġ isin ininnraiġ .i. trian neneclainni in caċ inindraiġ diḃ

Ailid oṫrus iardaiġi; eneclann co leṫ in caċ croliġi cuaird, .i. is i iarumdiġi dlegar ann la ad[ḟ]oiriṫin uais oṫrusa .i. leṫ eneclann isin croligi cumaile; lan loġ eineċ erenar caċ croliġi cuaird .i. air[ġ]iter lan loġ eneclainni do neoċ iar cae coir i croliġi bais dferṫain air.

Conid coir coirpdire concertar caċ nae, .i. cu coicertaiter caċ eneclann adubramar romaind in caċ cneid re taeb a coirpdiri do reir ċoir.

Oll sceo eiric aithgina ni diuranar de, .i. sceo recura, ocus nocu diubairter de, can aithgin do na eirci co oll re taeb sin .i. oṫrus no smaċt meṫa.

Mana derntar dinaċ dime deiṫbiri, .i. mana raib deiṫbirius a caemditin, dindu norgain deilb, .i. in ti do beir orgain for corp na daine.

Aċt naċ trois tuargabat cen trocaire ti, .i. cin trocaire ris na cintaib im na heircib seo, aċt inbaid na tuargabat na trois a tidaċt dib a hicc.

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[1] '*Recus*'-*compensation.* Dr. O'Donovan conjectured that this meant complete 'eric'-fine.

Sick-maintenance is a worthy compensation, i.e., I deem it right to perform sick-maintenance when there is a wound, wherever there is only compensation due for *a case of* unnecessary profit.

Repeat quickly the right rule, as to what a person is entitled to for every unlawful injury that is on him inflicted, i.e., tell quickly according to the right rule which thou hast, what a person is entitled to receive for every injury inflicted on him.

Three 'eric'-fines are counselled; there is paid full compensation, and fair honest body-fine, i.e., there are specified for the 'eric'-fine these three things, *viz.*, food and a physician and a substitute; and full compensation and 'recus'-compensation[1] are imposed, and the body-fine which is due honestly according to justice.

And honor-price is paid after noble examples, i.e., honor-price *is* to *be paid* him honestly when he declares the indignity that has been put upon him.

One end to another, i.e., the end of the 'eric'-fine for the end of the injury.

Just payment for the white blow, i.e., it is justly ordained that the end of the honor-price is paid for the white blow.

Just mulct is paid for the foul lump-blow, i.e., the mulct is justly fixed at the seventh of honor-price to make amends for the lump-blow which it is unlawful to inflict upon a person.

So that it is one that sues for every green fierce wound, i.e., it is just that it is the same portion of honor-price that is sued for every indignity, or for every injury inflicted through anger.

At a fourth of honor-price *is valued all* blood shed through anger, i.e., at a fourth of honor-price is estimated the shedding of a person's blood through continuance[b] of anger.

Fines of one-third are incurred for each tent-needing wound, i.e., the fine which is imposed for the wounds which require a tent, is one-third of honor-price in each tent-wound of them.

Sick-maintenance involves after fines; honor-price and a half for every maim which refesters, i.e, these are the additional after payments that are due in the case of the noble relief of sick-maintenance, viz., half honor-price for the 'cumhal'-maim; full honor-price is paid for each maim that refesters, i.e., the full amount of his honor-price is decreed to one after a proper manner in the case of a death-maim inflicted upon him.

So that it is proper body-fine that is adjudged for every one, i.e., so that every honor-price which we mentioned is adjudged for each wound besides their body-fine according to justice.

The great 'eric'-fine and that for compensation are not to be avoided, i.e., the 'recus'-compensation, and no deduction of it is made, but compensation is to be paid besides the great 'eric'-fine, i.e., sick-maintenance or fine for failure *unless performed.*

If defence be not made for one whom necessity protects, i.e., unless necessity existed to protect him when he destroys the body, i.e., he who brings destruction upon the body of a person.

So as they have not taken up wretches, to whom no mercy is due, i.e., there is to be no mercy to the criminals respecting these 'eric'-fines; but where they take up wretches who escape the payment *in consequence of their poverty.*

[b] Ir. *Length.*

Fuatach diċmairc.

C. 1703

.1. in bean fuataig̃; ac̃t mas ar eicin rucad imac̃ hi, eneclann dic ria fein ann, ocus eneclann dic re cennaib ocus re coibdelac̃aib, ro aicned̃ a coibdelac̃ais ria; ocus coirpdiri dic indti, cid be oided, gnat̃ no ingnat̃, tair amaig hi; [cid̃ galar cid̃ do t̃oirrc̃ius, is coirpdire ocus eneclann dic re fine; ocus munab marb itir hí, is eneclann díc re budein, ocus eneclann díc re fine.

Mas tall do cuas ina gnais ar eicin no ar elod, masa marb tall hi, mas don toirrchius is marb hí, is coirpdire ocus eneclann díc re fine; ocus mas da galar eile, islan.]

Ma da deoin rucad amac̃ hi, slan can ni dic ria fein, ocus eneclann dic re cennaib ocus re coibdelac̃aib, ocus coirpdire dic inti; cid be oided gnat̃ no ingnat̃ tair imaig̃ hi, res in mis ocus re re in mís, is coirpdire ocus eneclann dic re fine.

C. 1703.

In clann do gentar ria imaic̃ res in mis, ocus re re in mis, a ndilsi dfine mathar; ocus damad ail doib recat, ocus mad ail doib, na recat; ocus da nasrecat, noco nurailind dliged orro a reic co tuctar [a lan] log a mbraigit doib dar a cenn; ocus o ro bert̃ar, is iat is clann cetmuindtire urnadma ann, no adaltraig̃i urnadma.

Ocus cac̃ uair is ar eicin rucad imac̃ hi, is a rog̃a na finec̃aire ata in recfat no na recfat iat; ocus da nasrecat, urailed dligid ar in athair a cennach.

Mas da deoin rucad imach hi, is a rog̃a in athar ata in cennaigea iat no na cendaig̃ea; ocus da nascennaigea,

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[1] *Within*—That is in her own native place.

[2] *Obliges the father*.—C. 1704 reads "ar a naithreċaib" for "ar in athair."

Abduction without leave.

That is, *as regards* the abducted woman; if she was taken away by force, honor-price is to be paid to herself then, and honor-price is to be paid to her chiefs and her relatives, according to the nature of their relationship to her; and body-fine is to be paid for her, whatever kind of death, usual or unusual, overtakes her outside; whether *it be of* disease or of childbearing *she died,* body-fine and honor-price are to be paid to the family; and if she has not died, honor-price is to be paid to herself, and honor-price is to be paid to the family.

If it was within[1] she was cohabited with by violence or by evasion, if she has died within, if it was of the childbearing she died, body-fine and honor-price are to be paid to the family; and if it was of another disease *she died,* there is exemption.

If it was with her consent she was taken away, there is exemption from paying anything to herself, but honor-price is to be paid to her chiefs and to her relations, and body-fine is to be paid for her; whatever death, usual or unusual, overtakes her outside, before a month or within the space of a month, body-fine and honor-price are to be paid to her family.

The children that are begotten by her outside before the month, or within the space of a month, belong by right to the family of the mother; and if they like they sell them, and if they like they do not sell them; and if they sell them, the law does not oblige them to sell them until the full price of their lives has been given them for them; and when it has been given, they are *considered as* the children of a first wife of contract, or of an 'adaltrach'-woman of contract.

And whenever it is by force she was taken away, the family have their choice whether they will sell them (*her children*) or not sell them; and if they sell them, the law obliges the father[2] to buy them.

If it was with her consent she was taken away, the father has his choice whether he will buy them (*her children*) or not buy them; and if he will buy them, the law obliges the family

urailid dliged ar in finečairi a reic sir; ocus da tuctar do in aiscid iat, urailid dliged air a lesugad, daiǧ is sochor do.

No dono čena, cid ar ais cid ar eicin rucad amač hi, cu núrailenn dliged ar in athair a cendač. Ocus is as gabar eiside .i. mad baitreč nach tualing a toiscid ocus folaing a cinad, is astudi is tečta a cor macsula ocus sanairi.

Ačt mad čena, cač uair is ar eicin rucad amach hi, ciamad e roǧa in athar a cennach, noco nurailind dliged ar in fine a reic sirr, ačt munub ail doib budein.

In clann do gentar iarsan mis, ocus co tisat ar urnaidm ndligtiǧ, is iat [siďe] is clann cetmumdtire foxail ann, no adaltraiǧi foxail, ocus is dib scuirir foxul trian [a cotač]. C. 1704. C. 1704.

C. 1704. [Mas ar eicin rucaď amach hí, ocus ar maiťi re fine ro gob coibči, smačt cedmuintire, no aďaltraiďe dic ria, ocus smačt aďaltraiďe dic uaiťi mana tistar fo coraib; ocus tecar fo coraib cona icann nač ní, ocus smačt cedmuinntire no aďaltraiďe dic ria.

Mas da deoin rucad hí, cid ar maiti cin cob ar maiťi re fine ró gab coibce: no mas ar eicin, ocus ní ḣar maiťi re fine ro gab coibče; smačt adaltraiďe díc ria, ocus smačt aďaltraiďe dic uaithe, mana tistar fo coraib; ocus [ma] tecar fo coraib, cona hicunn nač ni, [ocus] smačt aďaltraiďe dic ria.

Manar gab coibče itir amuiǧ, ocus ar maiťi re fein no

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[1] *Or pay for her offences.*—The MS. here has 'fol,' which Dr. O'Donovan lengthened out into 'folaing;' 'foluċ' is the reading of C. 1704.

[2] *It is then.*—For 'astudi' of the MS., Dr. O'Donovan suggested 'assuidi;' the reading in C. 1704 is 'suigiugad,' and for 'a cor'—'aċcor.'

of the mother to sell them to him; and if they be given to him gratis, the law obliges him to educate them, because it is a good contract for him.

Or else, indeed, *according to others*, whether it was with her consent or without her consent she had been taken away, the law obliges the father to buy them. And that is inferred from this: "That is, if she be a prostitute who is not able to provide for her own necessities or pay for her offences,[1] it is then[2] it is lawful to return the similar and the dissimilar."

But nevertheless, whenever it was by force she was taken away, though the father may choose to buy them (*the children*), the law does not oblige the family *of the mother* to sell them to him, unless it be their own pleasure.

The children that are begotten after the month, and until they come into a lawful contract, are *considered as* the children of a first wife of abduction, or of an 'adaltrach'-woman of abduction, and it is from them the abduction takes away one-third[3] of their share.

If it was by force she was carried away, and for the good of her family she accepted a 'coibche'-wedding-gift, the 'smacht'-fine of a first wife, or of an 'adaltrach'-woman is to be paid to her, and the 'smacht'-fine of an 'adaltrach'-woman is to be paid by her, if her contracts be not opposed; and if her contracts be opposed, she pays nothing, and the 'smacht'-fine of a first wife or of an 'adaltrach'-woman is to be paid to her.

If it was with her consent she was carried off, whether it was for the good of her family or not, she accepted a 'coibche'-wedding-gift; or if it was by force *she was carried off*, and it was not for the good of her family she accepted a 'coibche'-wedding-gift; the 'smacht'-fine of an 'adaltrach'-woman shall be paid to her, and the 'smacht'-fine of an 'adaltrach'-woman shall be paid by her, if her contracts be not opposed; and if her contracts be opposed, she pays nothing, and the 'smacht'-fine of an adaltrach is to be paid to her.

If she did not accept any 'coibche'-wedding-gift at all outside, and for her own good or *that* of her family,

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[3] *Takes away one third.*—The copy of the "Book of Aicill" preserved among the MSS., E. 3-5, in T.C.D. Library, ends here.

The Book of Aicill. C. 1141.

re fine, coirpdire a cneiḋi dic ria, amail ro hicfaiṫea re duine naċ lanamanda; ocus is a roġa na fine ata in comfat ro bui [imuich] hi, in ben in ar son aiṫgina a gnimraid bías dóib, no in a dulsi a ngnimrad ḟir ocus gan fer do dul ina gnimraidsi. Ocus is cedfaid co mbedis araen dóiḃ, .i. ben ar son aiṫgina a gnimraidsi, ocus a dulsi a ngnimraid ḟir, ocus gan fer do dul ina gnimraid, no co tisat araon re dliged. Noco nfuil aiṫfegaḋ foġla láin no leṫe no dairte no ceṫraman eturru amail caċ lanamain dligtig, no co ría fogail i nairiltnigter eneclann, ocus ó ró sía fogail, a feġad cia risi ndenud fogail; aċt mas in fer, noċo nicunn naċ ní; mas re neċ eile, is a íc don ḟir, amail ícus in gataiḋi cintu na seot ngaiti gein bít aice amuiġ.

Mas da deoin rucad a seoit fein uaithi amuiġ, ciḋ ar ais cid ar éicin rucad amaċ hi, islan gan ní díc re fen ann, ocus leṫ dire, ocus leṫ eneclann díc re fine is na setaib, ocus is é sin aen inad isin berla a fuil dire a seoit fein o duine do neoċ eile ocus se fein ar aird.

Mas ar eicin rucad amaċ hí, ocus ar eicin rucaḋ a seoit uaithi amuiġ, is aiṫgin ocus lan eneclann ocus lan dire díc ré fein ann, ocus eneclann díc re fine.

Mas da deoin rucad amach hí, ocus ar eicin rucaḋ a seoit uaithi amuiġ, eneclann díc re fine ann, ocus aiṫgin ocus lan dire ocus lan eneclann díc ríasi féin. Ocus toċus etarscartach uil aice annsin co ndenum maiṫusa de; ocus mara toċus nemetarscartaċ uil aice, no ciḋ

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[1] *Separable property:* Dr. O'Donovan's opinion was that this meant any kind of property which one could sell to another, or dispose of in any way; and that

the body-fine for her wound shall be paid her, as it would be paid to a person not in social connexion; and it is in the choice of her family whether they will have a woman *to work for them* as long as she was outside, as compensation for her work, or whether she will participate in[a] the work of the man, and the man will not participate in[a] her work. And it is an opinion *of lawyers* that they (*the family*) should have both, i.e., a woman by way of compensation for her work, and her participating in the work of the man, without the man's participating in her work, until both submit[b] to law. There is no consideration of full trespass or of half, or of a 'dairt'-heifer or of one-fourth between them, as in every lawful social connexion until it amounts to an injury for which honor-price is paid, and when it amounts to *this* injury, it is to be considered to whom the injury was done; and if it be *to* the man, she pays nothing; if it be to another person, it (*the fine*) is to be paid for by the man, as the thief pays for the trespasses of the stolen 'seds' while he has them outside.

If it was with her consent her own 'seds' were taken from her outside, whether it was with her own consent, or forcibly she had been carried out, it is safe not to pay anything to herself in the case, but half 'dire'-fine and half honor-price shall be paid to her family for the 'seds'; and this is the only place in the 'Berla'-laws where 'dire'-fine for his own 'seds' is due from a person to another, he himself being present.

If it was by violence she was carried out, and by violence her 'seds' were taken from her outside, compensation and full honor-price and full 'dire'-fine are to be paid to herself in the case, and honor-price is to be paid to her family.

If it was with her consent she had been carried out, and by force her 'seds' were taken from her outside, honor-price is to be paid to her family in the case, and compensation and full 'dire'-fine and full honor-price are to be paid to herself. And it is separable property[1] she has in this

[a] Ir. *Go into.*

[b] Ir. *Come.*

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inseparable property, on the other hand, meant what could not be given away to another or disposed of, such as genius, personal beauty, or any other natural endowment or acquired art, which a person could not take away from himself and give to another. It appears rather, that separable property was the *peculium* of the individual, while inseparable property was that which belonged to the tribe or family in common.

toc̆us etarscartac̆, muna dena mait̆ dé, noc̆a nuil nach ní di ac̆t ait̆gin cert.

Mas da deoin rucad seoit na fine uait̆i amuiğ, cid̆ ar ais cid̆ ar eicin rucad amach hí, slan gan ní díc riasi anṅ; ocus ait̆gin, ocus lan dire, ocus lan eneclann dic re fine.

Mas ar eicin rucad amach hí, ocus ar eicin rucad seoit na fine uaithi amuiğ, is eneclann díc riasi ocus ait̆gin, ocus lan dire, ocus lan eneclann dic re fine.

Mas da deoin rucad amach hí, ocus ar eicin rucad seoit na fine uaithi amuiğ, ait̆gin ocus dire ocus eneclann dic ris in fine ann; ocus let̆ eneclann díc riasi, masa tochus edarscartach uil aice co ndenum mait̆iusa de. Masa toc̆us nemetarscartach uil aici, no cid̆ toc̆us etarscartach, maine deni mait̆ de, noc̆o nfuil nac̆ ní dí.]

case, and she does good with it; but if it be inseparable property she has, or though it be separable property, unless she does good with it, there is nothing *due* to her but just compensation.

If it was with her consent the 'seds' of the family were taken from her outside, whether it was with her consent or forcibly she had been carried out, it is safe not to pay her anything in the case; and compensation, and full 'dire'-fine, and full honor-price are to be paid to the family.

If it was by force she had been carried out, and by force the 'seds' of the family had been taken from her outside, then honor-price is to be paid to herself; and compensation, and full 'dire'-fine, and full honor-price *are* to be paid to the family.

If it was with her consent she had been carried out, and by force the 'seds' of the family were taken from her outside, compensation and 'dire'-fine and honor-price *are* to be paid to the family in the case; and half honor-price *is* to be paid to herself, if it is separable property she has, and does good with it. If it be inseparable property she has, or though it be separable property, unless she does good with it, there is nothing *due* to her *but just compensation.*

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Book of Aicill, pages 85–86.

The following remarks as to the authorship of the original Book of Aicill are given in C. 895.

No, comaḋ e Cormac do neith é uile, ocus gomaḋ e Cendfaelad do berid glunsnaithe filiduċta fai; ocus deismereċt air:

Lethbreṫ neitgid, fath go lí,
Cormac Ua Cuind rosrigni;
In leṫ eile iarmotha,
Cendfaelad mac Oilella.

Ba persa oirega tra cendfaelad mac Oilella. Iar na sgoltad isin ċath is and do rigne duil roscaḋ.

Pages 204–205.

The substance of this article is thus given in C. 939, &c.

Ma ro ċuindiġ sí in biaḋ, ocus ni tucad di, ocus dar leind is e a fer ro gob im in mbiad andso, ocus is é faṫ ar na tucad di cotosgluaister impi, coirpdire ocus eneclann is in lenum .i. dḟine a athar; ocus aithgin indtisi, ocus cumal dfine mathar, ocus coibċe ocus eneclann don mnai .i. ar faṫ marbṫa in leinib nama sin; ocus mas ar faṫ a marbṫa mar aen, in ben ocus in lenp, is coirpdire comlan indtib araen.

Mas ar daigin marbṫa in dara de, is coirpdire indside, ocus aithgin araile.

Mas ar daigin esba, ocus is e esba ro bai aice a beiṫ ica ċluiche .i. leṫ coirpdire isin lenum, ocus aithgin indtiside, ocus let cumala dḟine mathar, ocus coibċe dic

APPENDIX.

Or, *according to others*, it was Cormac that made (*composed*) the whole of it, and it was Cendfaeladh that put the poet's glosses upon it; and a proof thereof is:

> Half the judgments of 'Etgedh,' cause of fame,
> Cormac, grandson of Conn, composed;
> The other Half afterwards,
> Cendfaeladh, son of Oilell.

Cendfaeladh, son of Oilell, was indeed a remarkable person. After he (*i.e. his head*) had been split in the battle, it was then he composed the 'Duil Roscadh,' *i.e. the Book of Commentaries.*

If she asked for the food, and it was not given her, and methinks it was her husband that refused the food in this case, and the reason why it was not given her was that abortion might be brought about, body-fine, and honor-price *shall be paid* for the child, i.e. to the family of the father; and compensation *shall be paid* for her, and a 'cumhal' to the family of the mother, and a 'coibche'-wedding-gift and honor-price to the woman; that is, this was *when the food was refused* for the purpose of killing the child only; and if it was *refused* for the purpose of killing both the woman and the child, it is full body-fine *that shall be paid* for each of them.

If it was for the purpose of killing one of them, it (*the penalty*) is body-fine for her, and compensation for the other.

If it was for the purpose of sport, and the sport she had was to be at play with her, half 'dire'-fine is *due* for *killing* the child, and compensation to her, and half a 'cumhal' to the family of the mother, and a 'coibche'-wedding gift *is to be*

APPENDIX. C. 1917. fir in mnai, mara beo [i]. Ocus ni [a] lec̃ fir in lenam ro baí esba andsein, ocus da maḋ ed, ro bo esba cola cluithe, ocus lan fiach and.

C. 1917. Mas ar daigin tsecḋa[cta] no cruas ro gobad im in mbiaḋ, is amail indec̃bir c̃orba im aithgin ind; cumal dfine athar and, cumal dfine mathar, coibc̃e dic fir in mnai.

O lanamunda ata sin, ocus mas o duine nac̃ lanamunda, is inand he ocus sen, ac̃t, gan c̃oibc̃e o duine nach lanamanda, uair dliged eslan 7rl.

C. 1918. Munar c̃uindig sì in biad, ocus is e fac̃ ar nar cuindig̃ co togluaister uimpi .i. ar fac̃ marbc̃a in leinim, .i. [is coirpdire ocus eneclann uaic̃i isin lenab,] ocus a íc re fine athar; ocus cumal díc re fine mathar, ocus coibc̃e ocus eneclann da fir budein.

Mas ar daig̃in esba, ocus is e esba ro bai aice, a bec̃ aca cluiche, ocus ni hesba i lec̃ fir in lenam ainsin. .i. lec̃ coirpdire uaic̃i isin lenam dfine athar, ocus coibc̃i ocus lec̃ cumal dic re fine mathar, ocus eneclann da fir bodein. Ocus nocha a lec̃ fir in lenam ro bui a esba annsin; ocus damad ed ro bad esba cola cluithi ocus lan fiach.

C. 1918. Mas ar daigin tlais no naire na ro chuindig̃ si in biad, [is am̃ail] indec̃bir torba im aithgin; cumal dfine athar, ocus sec̃tmaḋ cumaile dfine mathar, ocus coibc̃e ocus eneclann uathi da fir budein: uair dligid eslaine urfocra, slan urfocra no foréige .i. slan furḟocra im in nathcuindig̃, no foreige im in ni sin.

---

[1] *Asking again.* For "im in nathcuindig̃" of C. 939, C. 1918, reads "im-mathcuinnig̃."

paid to the woman, if she survive.[a] And it was not with respect to the child her sport took place[b] then; and if it were, it would be a sport of foul play, and full fine *would be due* for it.

If it was through penuriousness or niggardliness the food was withheld, it is like unnecessary profit as regards compensation for it (*the withholding*); a cumhal *is to be paid* to the family of the father for it, a cumhal to the family of the mother, and a 'coibche'-wedding gift is to be paid to the woman.

From a married man this is *due;* and if it be *the case of* a person who is not married, it (*the fine*) is the same, except that the 'coibche'-wedding gift is not obtained from a person who is not married, for "'eslan' requires *warning*," &c.

If she did not ask for the food, and the reason why she did not ask for it was that there might be abortion, i.e. for the purpose of killing the child, body-fine and honor-price *are due* from her for the child, and they are to be paid to the family of the father; and a 'cumhal' is to be paid to the family of the mother, and her 'coibche'-wedding gift and honor-price to her own husband.

If it was for sport, and the sport she had was to be at play with her, and it was not sport with respect to the child, then i.e. half body-fine *is due* from her for the child to the family of the father, and 'coibche'-wedding gift, and half a 'cumhal' *is* to be paid to the family of the mother, and honor-price to her own husband. And her sport was not in respect of the child in this case; but if it were, it would be sport of foul play, and *there would be* full fine *for it.*

If it was through shyness or shame that she did not ask for the food, it (*the case*) is like unnecessary profit with respect to compensation; a 'cumhal' *is due* to the family of the father, and one-seventh of a 'cumhal' to the family of the mother, and 'coibche'-wedding gift and honor-price from her to her own husband; for "eslaine is entitled to warning, warning or proclamation is safe, i.e. warning is safe with respect to the asking again,[1] or proclamation with respect to that thing."

APPENDIX.

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[a] Ir. *Be living.*

[b] Ir. *Was.*

Appendix.

Pages 252–253.

C. 952–3 gives the following on the subject of the ball.

Bla liathroide lorg ocus poll ocus log.

.i. islan lim don ti buailis in liathroid da luirg o poll na himana co log na grifidi, no o log na grifidi co log na comrainne, no in poll a mbi cu ruigi in locc a mbi.

Islan do na macaib beca ruidilsi a cluiche co ro icad fodal do dire na robach.

Slan doib a fian cluichi co ro icad aithgin na robach; ar nic aithgina ina robach cid̃ icaid ina fian cluichi.

Sečtmad očrusa co bas i nesbač. Sechtmad othrusa ocus cudrumus sečtmaid leč dire na cneide i torba[c] sech esba; ačt gunab a nothrus do formastar. Ceičre sečtmaid naithgina i cečtar de iar mbas cid a torbač cid a nesbač.

Na ceičre sečtmaid sin fuil acad, tri sečtmaid ar scath dire and, ocus sečtmad ar scath naithgina i nesba[č] dar bo toil é, no i nesbac do nar bo tol, no in torbač ro marbad and.

Mara esba[č] dar bo tol, sečtmad dire do dul re lar ar scath tola comcluiche; sečtmad dire ocus sečtmad naithgina for fer laime; sečtmad dire for lučt medon čluiche.

Trian cota cač fir cotnicfad dib a tormesc do beč for sellach, cenmotha cuit fir laime.

The exemption of the ball, hurlet, and hole, and place.

That is, I deem the person exempt *from liability* who strikes the ball with his hurlet from the hurling hole to the place of the 'grifid,' or from the place of the 'grifid' to the place of the division, or *from* the hole in which it is, until it reaches the place in which it *usually* is.

The little boys are exempt in their legitimate games until they *are of age to* pay a share of 'dire'-fine for their assaults.

They are exempt in their fair games until they *are of age to* pay compensation for their assaults; for they do not pay compensation for their assaults though they pay for their fair games.

One-seventh of *the price of* sick-maintenance till death *is paid* for *injury to* an idler. One-seventh of sick-maintenance and a proportion equal to one-seventh of half 'dire'-fine of the wound, *are paid* for a profitable worker more than for an idler; but on condition that it is in sick-maintenance the increase takes place. Four-sevenths of compensation *are paid* for *injury to* either of them, after death, whether for a profitable worker or for an idler.

Of these four-sevenths which you have, three-sevenths are *paid* in lieu of 'dire'-fine, and one-seventh in lieu of compensation, for *injury to* an idler who did of his own *free* will, or for an idler who did it not of his own will, or for a profitable worker who was killed in the case.

If it was an idler, *and* of his own will, one-seventh of 'dire'-fine is to be remitted[a] on account of his will to play the game; one-seventh of 'dire'-fine, and one-seventh of compensation are *to be paid* by the man who actually inflicted the injury with his own hand;[b] *and* one-seventh of 'dire'-fine upon the middle game party.

The third of the share of every man who could have prevented *the injury* is to be upon the looker-on, except *that of* the share of the actual inflicter of the injury with his own hand.[b]

[a] Ir. *To fall to the ground.*

[b] Ir. *Hand-man.*

APPENDIX Mas esba[ċ] do nar bo tol, no torba[c] do marbaḋ and, seċtmad co leṫ do dire, ocus seċtmad naithgina for fer laime.

Seċtmad co leṫ do dire for luċt medon in cluiche; trian cota caċ fir co ticfaḋ a toirmesc for sellaċ, cenmoṫa cuit fir laime. Ar níc doib fogal do dire na robdach ciḋ icfait ina ruidles cluithe.

An cudruma ro ícfad ina fiancluiche o ċianaib iar
Sic. níc doib aithgina ina roḃach, gurab ed icait ina ruidles cluiche innosa, iar níc doib foġal do dire ina robḋach. No, dono ċena, co tistais do ruidles ċluiche for a fian cluiche iad, ocus comaḋ fian cluiche doib caċ cluiche.

Pages 276-277.

On this subject O'D. 694, has the following in addition.

Deiṫbir itir in slan faille ocus in slan naiṫne. Isseḋ is slan faille ann a raḋa do; as ro fort, ar se, ciḋ faill do nér im na setaib sin a nasra oram. Isseḋ is slan
C. 722 naiṫne ann, trebaire do gabail [do fir in tig,] re fir daingne no edaingne in tiġe.

Maḋ oin dfer fine gin fonaidm a tairic, ocus foiche dé dia tarraċtain, is oġslan; dia mbe fonaidm, is leṫ aiṫgin.

Maḋ oin dfer ainfine gin fonaiḋm, ocus foiche de dia tarraċtain, is leṫ aiṫgin; dia mbe fonaiḋm, is aithgin gin fis foiche de annso do ceċtar de.

If it was an idler who did not act of his own will, or a profitable worker, that was killed in the case, one-seventh and one-half 'dire'-fine, with one-seventh of compensation, are *imposed* upon the actual inflicter of the injury with his own hand.[a]

One-seventh and one-half of 'dire'-fine *are imposed* upon the middle game party; one third of the share of each man who could have prevented *the injury* is *imposed* upon the looker-on, except the share of the man who has inflicted the injury with his own hand. After they have paid the 'dire'-fine for their assaults, they pay for their legitimate game.

The amount which they would pay for their fair game just mentioned, after their payment of compensation for their assault, is what they shall pay for their legitimate game now, after their payment of a division of 'dire'-fine for their assault. Or else, *according to others*, they would come from their legitimate cause to their fair game, and every game is a fair game to them.

There is a difference between the exemption from *fines for* neglect, and the exemption *on account* of charge. Exemption from *fines for* neglect means his saying—"Here is on thee," says he; "whatever neglect is committed with respect to the 'seds' is not to be claimed from me." Exemption *on account* of charge means, that the man of the house takes security as to knowledge, *on the part of the depositor*, of the safe or unsafe state of the house.

If a loan *be given* to a 'fine'-man without a bond to return it, and *if* the act of God overtakes it, there is perfect exemption for it; if there be a bond it is *a case of* half compensation.

If it be a loan to an 'anfine'-man without a bond, and *if* the act of God overtakes it, it is *a case of* half compensation; if there be a bond, it is *a case of* compensation when in this instance neither of them knows of the act of God.

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[a] Ir. *Hand-man.*

Mad oin dfer fine gin fonaidm co fis foiche don fer nosbeir, is leṫ aiṫgin fair; dia mbe trebaire co fis foiche, is aithgin fair; ada fis is ogslan.

Pages 292–293.

O'D. 2010, has the following on the same subject.

Cia for anad slán sin dferṫain? .i. for in fer ocus for in mnaí, ocus for muinntir in ḟir, ocus for muinntir na mná, ocus for a scuiṫib, muna tarrus iat féin, ocus for caċ aen ar a roichinn cin inbleogain daccra. Ocus noċa tarrus iat féin ann sin, ocus da tarrus, ro bud lán a cneiḋe cin frithidi díc re hinbleogain.

Ben sirg sin gus na fuil saileċtu fesi re fear féin, ocus gá fuil saileċtu fesi re fir eile. Ocus dámad ben aca mbiaḋ saileċtu fesi re fir fén, ocus ac na fuil re fear aile, gaċ ni is slan di rias in mís islán iars an mís.

Pages 294–925.

O'D. 2011, adds the following on the subject of horses in horse-fights.

Is slán luim do na echuib in tres echda do niat siat itir na hechu etarru bodéin; ocus muca etarru bodein a comait[it]in a dá fiadat ar aen cae; ocus is slan doib a foġla comaiṫċesa uile re fer ocus re harbur ocus re haileḋaib, ocus re hairbeḋaib, céin ḃess meraċt a latha ocus a nechmarta orra; ocus ó rachus díb, is méich, no fiaċ duinicaithi orra.

If it be a loan to a 'fine'-man without a bond, the man who takes it (*the loan*) having knowledge of the act of God, it is half compensation *that is imposed* upon him. If there be security, with knowledge of the act *of God*, it is compensation *that is imposed* upon him; if both had knowledge[a] *of the act of God*, it is *a case of* complete exemption.

[a] Ir. *The knowledge of both.*

On whom is it safe *for her* to inflict this? That is, upon the man and upon the woman, and upon the people of the man, and upon the people of the woman, and upon their movables, if they themselves have not been taken, and upon everyone on whom the liability of a kinsman comes to be sued. And they themselves are not then taken; and if they be taken, the full fine for his wound without retaliation *is* to be paid to the kinsman.

This is a decayed woman who has no expectation of cohabiting with her own husband, but who has expectation of cohabiting with another man. And if she be a woman who has expectation of cohabiting with her own husband, and has no expectation of cohabiting with another man, for whatever she is exempt *from liability* before the month, she is exempt after the month.

I deem the horses exempt in the horse-battles which they make between the horses, between themselves; and pigs *similarly*, between themselves, with the consent of both their owners, on the same way; and they are exempt as regards neighbour trespasses *committed* upon grass and corn and stakes and palisades, while they are under the excitement of desire for the horse or the boar respectively; and when it (*the excitement*) leaves them, it (*the penalty*) is sacks, or the fine for man-trespass.

Appendix.

Pages 296–297.

O'D. 2011, 2012, adds as follows on the subject of a cat in a kitchen.

Is slán don cat in biaḋ ro gebaiḋ sé is in chuile do chaiṫem, aċt narub tre daingen tiġe no lestuir do béra he; slan dósum é, ocus aiṫgin ón tí dar herbaḋ é a coimét; no, islán fo aicneḋ a ḟailli. Mas a daingen tiġi no lestuir tucustair in catt in biaḋ, is biṫbinchi do riagail i leṫ risium; aiṫgin ina cét ċinaid, leṫ fiaċ la aiṫġin ina chinaiḋ tanuise, lán fiaċ la haiṫgin isin tres cinaiḋ. No is slán don ċhat foġail fris na hestreċta in oidċi, indeṫbir imurro maḋ illó.

Cat comaiṫeċ sin, ocus dámad he cat na cuile bodein, ciḋ a hinad daingen, cid a hinad édaingen do béraḋ, rob éric fo bithbinċi is in biad, uair is ris ro herbaḋ comét na cuile.

The cat is exempt *from liability* for eating the food which it finds in the kitchen, so that it is not through the fastness of a house or of a vessel it brings it (*the food*); it (*the cat*) is exempt *from liability*, but compensation *is due* from the person who was ordered to mind it; or, *according to others*, he is exempt *or not* according to the nature of his neglect. If it was from the fastness of a house the cat brought the food, wickedness is the rule with respect to it (*the cat*); compensation for its first crime, half-fine for its second crime, full fine with compensation for its third crime. Or, *according to others*, the cat is exempt *from liability* in committing trespass against pet animals in the night, but it is unlawful *to trespass against them* in the day.

This is *in the case of* a neighbour cat, but if it be *in the case of* the kitchen itself whether it took it (*the food*) from a fastened place or a place not fastened, it (*the cat*) shall pay for it (*the trespass*) according to its wickedness, for the guarding of the kitchen had been entrusted to it.

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